MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF NOVEMBER 13, 2009

(Published November 21, 2009, in Finance and Commerce)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

November 13, 2009 - 9:30 a.m.

Council Vice President Lilligren in the Chair.

Present - Council Members Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Benson, Goodman, Hodges, President Johnson.

Absent - Council Member Remington.

Benson moved adoption of the agenda. Seconded.

Adopted upon a voice vote 11/13/2009.

Absent - Samuels, Remington.

Benson moved acceptance of the minutes of the regular meeting of October 30, 2009 and the special meeting held November 6, 2009. Seconded.

Adopted upon a voice vote 11/13/2009.

Absent - Samuels, Remington.

Benson moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 11/13/2009.

Absent - Samuels, Remington.

PETITIONS AND COMMUNICATIONS

INTERGOVERNMENTAL RELATIONS:

COORDINATOR (273879)

Minneapolis City Charter: Ordinance amending Chapter 3, Section 4 re position of Director of Regulatory Services in the appointment process.

INTERGOVERNMENTAL RELATIONS (273880) 2010 Legislative Agenda: 20091104 Update.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (273881)

Patton Boggs, LLP: Extension of contract for continued federal representation services.

PUBLIC SAFETY AND REGULATORY SERVICES:

REGULATORY SERVICES (273882)

Rental Dwelling License at 2512 14th Av S: Consider revocation of license held by Noe & Carole Arrequin.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273883)

Bombay Bistro (820 Marquette Av): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class E with Sunday Sales License.

T's Place (614 19th Av S): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class C-2 with Sunday Sales License.

Jasmine Deli (2532 Nicollet Av S): Approve License Settlement Conference recommendations relating to Restaurant License.

Stub & Herbs (227 Oak St SE): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class C-1 with Sunday Sales License.

LICENSES AND CONSUMER SERVICES (273884)

Licenses: Applications.

REGULATORY SERVICES (273885)

Domestic Violence Intervention Initiative: Authorize provide no cost kenneling and care of pets involved in a domestic violence situation identified by the Police Department.

Animal Cruelty: Ordinance adding a new section on animal cruelty; and Amend Schedule of Civil Fines for Administrative Offenses to add a \$500 citation for less serious animal cruelty cases.

REGULATORY SERVICES (273886)

Rental Dwelling License at 3225 Humboldt Av N: Revoke license held by Kevin Grohs and Dawn Reinke.

REGULATORY SERVICES (273887)

Rental Dwelling Licenses at 3940 4th Av S; 3325 5th Av S; 1716 26th Av N; 3607 Bryant Av N; 3811 Humboldt Av N; 2222 McNair Av N; 2621 Oak Park Av N; 3459 Oliver Av N; 1518 Park Av; 1819 Queen Av N; 2911 Sheridan Av N; and 1639 Washburn Av N: Revoke licenses held by Gregge K. Johnson and Five Star General Construction.

REGULATORY SERVICES (273888)

Wine Licenses: Ordinance allowing restaurants that hold a wine license and have at least 25 seats to offer both Class D and Class E entertainment.

Licenses: Ordinances streamlining and standardizing license renewal references; clarifying license and permit renewals, license duration, application process and requiring compliance and posting of conditions; providing that license fees under Title 3 Air Pollution and Environmental Protection, Title 4 Animals and Fowl, Title 10 Food Code, Title 11 Health and Sanitation, Title 12 Housing, Title 13 Licenses and Business Regulations and Title 14 Liquor and Beer are as established in Appendix J, and combining license reinstatement fees into Chapter 261 ensuring that there is a public hearing when license fees are amended and streamlining late penalties; and eliminating references to specific ordinance sections and referencing only the titles to avoid repeat modifications of Appendix J over time.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

PURCHASING (273889)

Bid for Demolition of Eight Structures: OP #7207, accept low responsive bid of Buberl Recycling and Composting Inc for demolition of structures for Regulatory Services.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273890)

Water and Sewer Service Line Repairs or Replacements: Levy assessments; Comments.

Areaway Abandonment and Removal Assessment: 821 Lake St W.

Hiawatha Light Rail Transit: Operations and maintenance agreement with Metropolitan Council. Downtown Business Improvement Special Service District: Amendment to contract for professional services.

2009 Public Works Special Assessments: Adopt and levy assessments.

Nongovernmental Tax Exempt Parcel Street Light Operations Fee Assessments: Adopt and levy assessments; Comments.

Nongovernmental Tax Exempt Parcel Street Maintenance Assessments: Adopt and levy assessments.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (273891)

35W Crosstown Municipal Agreement: Amendment.

Minneapolis Economic Recovery Strategy: Accept funds from Mn/DOT for Camden Bridge Rehabilitation Project.

Marquette Ave S and 2nd Ave S Reforestation Project: Close out project and reallocate net debt bonds to Marquette and 2nd Ave Double Width Transit Lanes Project.

Environmental Protection Agency Agreement for Grant Funds: Accept funds for Combined Sewer Overflow and Infiltration and Inflow Removal Programs.

Marquette and 2nd Avenue Transit Shelters: Amend contracts with Meisinger Construction and URS Corp.

Road Maintenance: Agreement with Hennepin County.

NRG Energy Center: Extension of agreements to supply water to courthouse and 10th & Hennepin ramps.

Franklin Ave and E River Pkwy Intersection Study: Plan concept and amendment to agreement. Bus Shelters Franchise: Ordinance amendment allowing interim franchise extension with CBS Outdoor through April 1, 2010.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (273892)

2009 Financial Status Report: 3rd Quarter.

FIRE DEPARTMENT (273893)

2009 Budget Status Report: Update.

POLICE DEPARTMENT (273894)

2009 Budget Status Report: Update.

WAYS AND MEANS BUDGET (See Rep):

COMMUNICATIONS (273895)

December 2009 Utility Billing Insert: Online pet licensing.

CONVENTION CENTER AND PROCUREMENT (273896)

Clean Response, Inc.: Emergency expenditure for water damage clean-up and mold mitigation.

OP #7203: Accept low bid of Pro-Tec Design, Inc., for closed circuit television security system.

COORDINATOR (273897)

Meet Minneapolis: Contract for Sales and Marketing Services.

FINANCE DEPARTMENT (273898)

City Financial Policies: Amend policy.

Target Center Refunding Bonds: Accept bids and award General Obligation Tax Increment Refunding Bonds.

Meet Minneapolis - iDSS: Execute documents releasing claim on software as partial security for loans to Meet Minneapolis relating to iDSS.

HEALTH AND FAMILY SUPPORT SERVICES (273899)

Juvenile Supervision Center Program: Increase annual contract with The Link to services.

HUMAN RESOURCES (273900)

New Appointed Position: Access and Outreach Manager.

POLICE DEPARTMENT (273901)

Detox Van Services: Authorize multi-year contract agreement with Hennepin County to provide police detox van services.

UNFINISHED BUSINESS (See Rep):

COUNCIL MEMBER (273902)

Appeal: Kevin & Valerie Holler (4420 Humboldt Ave N)

FILED:

BRANDT CRIMINAL DEFENSE (273904)

Assessment for Property at 2301 Minneapolis Av: Formal objection letter.

CITY CLERK (273903)

Blue & White Taxi and ABC Taxi: Verbatim transcript relating to Administration Citation Hearing held June 26, 2009.

WAGNER PARTNERS (273905)

Vacate the West 116' on alley between Penn and Queen, south of 60th Street.

The following reports were signed by Mayor Rybak on November 19, 2009, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The INTERGOVERNMENTAL RELATIONS Committee submitted the following report:

IGR - Your Committee, having under consideration continued federal representation services in Washington, D.C., now recommends that the proper City officers be authorized to execute Amendment #1 to Contract #C-26349 with Patton Boggs, LLP, for said services, by extending the contract period from September 1, 2009 to September 30, 2011, for the annual amount of \$144,000, contingent upon funding.

Adopted 11/13/2009.

Absent - Glidden, Remington.

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of Subo Experience LLC, dba Subo Experience, 89 S 10th St, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire October 1, 2010, and a 2:00 a.m. State issued permit; and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/13/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 11/13/2009.

Absent - Remington.

Resolution 2009R-541, granting applications for Liquor, Wine and Beer Licenses, was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-541 By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273884):

Off-Sale Liquor, to expire October 1, 2010

Hilton Corporation, dba Hilton Hotel Minneapolis, 1001 Marquette Av (new corporate officer)

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2010

Ivy Tower Holdings LLC, dba Hotel Ivy, 1115 2nd Av S (new manager)

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2010

La Vina Inc, dba La Vina Restaurant and Banquet Center, 3010 4th Av S (change in business plan)

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2010

Hilton Corporation, dba Hilton Hotel Minneapolis, 1001 Marquette Av (new corporate officer) 7 Seven, dba 7 Seven, 700 Hennepin Av

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2010

The 508, dba The 508, 508 1st Av N

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2010

Historic Theatre Group LLC, dba Pantages Theatre, 710 Hennepin Av (new corporate officer)

Historic Theatre Group LLC, dba State Theatre, 805 Hennepin Av (new corporate officer)

Historic Theatre Group LLC, dba Orpheum Theatre, 910 Hennepin Av (new corporate officer)

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2010

3 Monkeys Pub and Grub Inc, dba 3 Monkeys Pub and Grub, 1410 Nicollet Av (new business). Adopted 11/13/2009.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 11/13/2009.

Absent - Remington.

Resolution 2009R-542, granting applications for Business Licenses, was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-542 By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of November 13, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273884):

Place of Amusement Class B-2; Car Wash; Christmas Tree; Dancing School; Fire Extinguisher Servicing Class B; Food Manufacturer; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Gasoline Filling Station; Hospital; Hotel/Motel; Motor Vehicle Dealer Wholesaler; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Plumber; Residential Specialty Contractor; Taxicab Limited; Taxicab Vehicle Fuel Efficient; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Theater Zone II; Tobacco Dealer.

Adopted 11/13/2009.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 11/13/2009.

Absent - Remington.

Resolution 2009R-543, granting applications for Gambling Licenses, was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-543 By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273884):

Gambling Class B

VFW Post 246, dba VFW Post 246, 2916 Lyndale Av (Bingo; raffle)

Washburn Amateur Hockey Association, dba Washburn Amateur Hockey Association, 5436 10th Av S (Site: 5-8 Club, 5800 Cedar Av)

Gambling Exempt

Church of St. Albert the Great, dba Church of St. Albert the Great,

2836 33rd Av S (Bingo, Raffles October 18, 2009)

Childrens Cancer Research Fund, dba Childrens Cancer Research Fund,

7801 E Bush Lake Rd, Bloomington (Raffle November 7, 2009 at The Depot Minneapolis, 225 3rd Av) All Saints Catholic Church, dba All Saints Catholic Church, 435 4th St NE (Bingo November 22, 2009)

Minnesota AIDS Project, dba Minnesota AIDS Project, 1400 Park Av S (Raffle December 2, 2009 at 1400 Park Av S).

Adopted 11/13/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Bombay Bistro, 820 Marquette Av.

Adopted 11/13/2009.

Absent - Remington.

Resolution 2009R-544, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Bombay Bistro, 820 Marquette Av, was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-544 By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Bombay Bistro, 820 Marquette Av.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on September 10, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions within a period of less than 24 months employees of Bombay Bistro sold alcohol to persons under the age of 21 in violation of the Minneapolis Code of Ordinances, Minnesota Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. Bombay Bistro will submit to the City of Minneapolis Licenses Division a written policy regarding alcohol service at the time of signing the agreement. The policy shall address the following issues:
 - a. policy for carding everyone that appears under 45 years of age.
- b. conducting their own youth alcohol compliance checks at regularly scheduled intervals and the rewards/consequences for those employees passing/failing the checks.
 - c. addressing alcohol service at regularly scheduled staff meetings.
- d. requiring all staff serving liquor to attend professional alcohol server training within 30 days of signing this agreement and annually thereafter.
 - 2. Bombay Bistro agrees that a trained manager will be present at all times of alcohol sales.
- 3. Bombay Bistro agrees to purchase an ID scanner for age verification and implement its use within 30 days of signing this agreement.
- 4. Bombay Bistro agrees to prominently post signs in the restaurant and on the menus outlining their carding policy.
- 5. In lieu of suspension, Bombay Bistro agrees to pay a \$3,000 sanction for failing two youth alcohol compliance checks. \$1,000 of the sanction is stayed pending no further youth alcohol compliance check failures for a period of two years from the signing of this agreement. \$750 will be paid upon signing this agreement, and \$1,250 will be paid within 30 days of signing this agreement and delivered to the Office of Licenses & Consumer Services.

Adopted 11/13/2009.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-2 with Sunday Sales License held by T's Place, 614 19th Av S.

Adopted 11/13/2009.

Resolution 2009R-545, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-2 with Sunday Sales License held by T's Place, 614 19th Av S, was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-545 By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-2 with Sunday Sales License held by T's Place, 614 19th Av S.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on August 5, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that Tees Ethio Asian Cuisine LLC allowed alcohol sale to minors on two occasions in a period of less than 24 months in violations of the Minneapolis Code of Ordinances, Minnesota Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. In lieu of a suspension, the City shall impose a \$3,000 sanction and a 30-day suspension. The \$3,000 sanction will be stayed for a period of two years from City Council approval of this agreement pending no same or similar violations. 27 days of the 30-day suspension will be stayed. T's Place will serve a three day suspension from 2:30 a.m. November 15, 2009 to 8:00 a.m. November 18, 2009.
- 2. Provide an updated alcohol service policy to the Division of Licenses and Consumer Services due at the time of signing of this agreement to include all of the following:
 - a. Establish a policy whereby all persons under a particular age will be carded.
- b. Clearly designate, on a daily basis, the name of the manager on duty that wait staff may request assistance of in case of a difficult situation with a person being denied alcohol based on the T's Place policies.
- c. All employees will take server training through a recognized server training program within 30 days of employment. Refresher training shall be provided on an annual basis.
- d. The owner or manager of T's Place will conduct daily or weekly meetings emphasizing the need to check identification appropriately.
- 3. Employ a self check program with persons that employees of T's Place are required to check the ID. These must be conducted a minimum of four times per year for the next two years and document the results and make them available to the Business License or Police License Divisions upon request. This program should start within 30 days of this agreement being approved by the City Council.
- 4. An electronic scanner shall be purchased and utilized for all persons under the age limit established under the T's Place policies to determine lawful age to purchase and consume alcohol beverage.
- 5. T's Place shall post signs on the entry door and on tables emphasizing that no one under the age of 21 will be allowed to purchase or drink alcoholic beverages while on the premises or T's Place check identification for persons under the age limit established by T's Place policies.

Adopted 11/13/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Restaurant License held by Jasmine Deli, 2532 Nicollet Av S.

Adopted 11/13/2009.

Absent - Remington.

Resolution 2009R-546, approving License Settlement Conference recommendations relating to the Restaurant License held by Jasmine Deli, 2532 Nicollet Av S, was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-546 By Samuels

Approving License Settlement Conference recommendations relating to the Restaurant License held by Jasmine Deli, 2532 Nicollet Av S.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on September 24, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that Jasmine Deli has failed to maintain a food safety management system to prevent public health risk factors and to keep the restaurant kitchen in clean and sanitary conditions in compliance with the Minneapolis Code of Ordinances; and that Jasmine Deli failed to timely pay a Pollution Control Annual Billing (PCAB) fee;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. Jasmine Deli must implement a food protection system and monitor food safety. The licensee will enroll and participate fully in the self-audit program.
- 2. Jasmine Deli agrees to quarterly food safety inspections, beginning the last quarter of 2009, to be conducted by the City's Environmental Health Division, and shall pay a fee of \$100 per inspection. At the end of one year the City will assess the need to continue quarterly inspections. All repeated violations will result in adverse license action or administrative citations.
- 3. Licensee shall maintain a regular training schedule regarding food handling for all staff and shall document the date, time and subject matter of each training.
- 4. Licensee shall schedule an educational inspection by the Environmental Health and Food Safety Department before October 30, 2009 and shall ensure attendance by Jasmine Deli kitchen staff.
 - 5. Licensee shall continue with all pest control efforts.
- Licensee shall pay past due PCAB fees, in the amount of \$222, by October 30, 2009.
- 7. Licensee shall employ and maintain a State of Minnesota Certified Food Manager at Jasmine Deli and shall ensure their State of Minnesota Certificate is displayed at all times. This person will spend the majority of their employment time at the business.
- 8. Time shall also be used as a public health control while working with potentially hazardous foods prior to cooking, or for ready-to-eat potentially hazardous foods that are displayed or held for immediate consumption. In addition:
- a. The food shall be marked or otherwise identified with the time within which it shall be cooked, served or discarded:
- b. When the food that is provided for service and consumption is removed from temperature control, the food:

- 1. Is served or discarded within four hours; and
- 2. Is not removed from time control and returned for use at a later time.
- c. Food in unmarked containers or packages, or for which the time expires, is discarded.
- d. Written procedures shall be maintained in the food establishment and made available to the regulatory authority upon request to ensure compliance with:
 - 1. Items a to c; and
- 2. Part 4626.0385 for food that is prepared, cooked and refrigerated before time is used as a public health control.

Adopted 11/13/2009.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-1 with Sunday Sales License held by Stub & Herbs, 227 Oak St SE.

Adopted 11/13/2009.

Absent - Remington.

Resolution 2009R-547, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-1 with Sunday Sales License held by Stub & Herbs, 227 Oak St SE, was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-547 By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-1 with Sunday Sales License held by Stub & Herbs, 227 Oak St SE.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on September 30, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on three separate occasions in a period of less than 24 months an employee of Stub & Herbs sold alcohol to a person under 21, in violation of the Minneapolis Code of Ordinances, Minnesota Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. Provide an updated alcohol service policy to Licensing due at the time of signing this agreement to include some of the following:
 - a. Policy and procedure given to employees regarding alcohol sales.
- b. Use of an electronic card reader system that assists employees in determining the birth date required to make a legal sale of alcohol.
- c. Whenever a staff meeting is held, alcohol service and proof of age policies will be a standing agenda item.
 - d. A plan on removal of obviously intoxicated customers.
 - e. Additional information that would apply to temporary expansions of premises.
- 2. Provide annual refresher alcohol service training to complement the training that all Stub & Herbs employees received in May 2009. New employees must receive alcohol service training within 30 days of hire.

- 3. Post signs that identify Stub & Herbs alcohol sale policy to customers. This would include posters that promote the legal age for purchasing alcohol.
- 4. Employ a youth alcohol self check program with decoys four times each year for the next two years and maintain documentation of the results. Have results available upon request from Licenses & Consumer Services or Minneapolis Police. This program has been in operation since August 2009.
- 5. Have a representative from Stub & Herbs attend regularly scheduled LINC meetings for the next two years after signing this agreement.
- 6. In the agreement that was approved by City Council on July 31, 2009, in lieu of a suspension, the City imposed a \$3,000 sanction. \$1,000 was stayed for a period of two years from June 29, 2009. The licensee paid \$2,000 on June 20, 2009. The City recalls the \$1,000 stayed amount to be paid at the time of signing this agreement.
- 7. The City shall impose a suspension of 30 days. 27 Days shall be stayed for a period of two years from the date of signing this agreement, provided no same or similar violations occur. The three day suspension shall be served on a Monday, Thursday and Friday before December 31, 2009.
- 8. The City shall impose a sanction of \$5,000. \$2,000 of the sanction shall be stayed provided no same or similar violations occur. \$3,000 is due at the time of signing the agreement.
- 9. Stub & Herbs shall pay the \$2,000 administrative citation due to Police Licensing by October 10, 2009.
- 10. This agreement replaces recommendations previously imposed on July 31, 2009 for Stub & Herbs.
- 11. This agreement shall not preclude any other adverse license action for subsequent violations of this agreement, or for subsequent violations or subsequently discovered violations of any federal, state or local laws, ordinances or regulations.

Adopted 11/13/2009.

Absent - Remington.

PS&RS - Your Committee, having under consideration the City's domestic violence intervention initiative, now recommends that Minneapolis Animal Care and Control, in partnership with the Police Department, be authorized to provide no cost kenneling (up to five days) and care of pets involved in a domestic violence situation identified by the Police Department.

Adopted 11/13/2009.

Absent - Remington.

PS&RS-Your Committee, to whom was referred an ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits,* adding a new section regarding the enforcement of animal cruelty, now recommends that said ordinance be given its second reading for amendment and passage.

Further, passage of the accompanying resolution amending the Schedule of Civil Fines for Administrative Offenses to add a \$500 administrative citation for less serious animal cruelty cases.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-119 amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*, amending Section 64.170 to add a new section regarding the enforcement of animal cruelty, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-119
By Samuels
Intro & 1st Reading: 10/16/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Dogs, Cats, Ferrets and Rabbits.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 64 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 64.170 to read as follows:

<u>64.170. Overworking or mistreating animals.</u> There is hereby adopted as an ordinance in the <u>city, Minnesota State Statute Section 343.21.</u>

Adopted 11/13/2009.

Absent - Remington.

Resolution 2009R-548, amending Resolution 2004R-367 entitled "Approving the adoption of a consolidated and amended schedule of civil fines for administrative offenses", passed August 20, 2004, to specify additional violations of Title 4 (Animals and Fowl), was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-548 By Samuels

Amending Resolution 2004R-367 entitled "Approving the adoption of a consolidated and amended schedule of civil fines for administrative offenses", passed August 20, 2004, to specify additional violations of Title 4 (Animals and Fowl).

Whereas, the City Council has enacted Chapter 2 of the Minneapolis Code of Ordinances (hereinafter "Code") which establishes an administrative enforcement and hearing process for certain violations of the Code; and

Whereas, Section 2.40 of the Code provides that violations of certain provisions of the Code are administrative offenses that may be subject to the administrative enforcement and hearing process; and

Whereas, Section 2.60 of the Code provides for the imposition of a civil fine for administrative offenses; and

Whereas, Section 2.70 of the Code provides that the City Council will adopt by Resolution a schedule of civil fines for administrative offenses;

Whereas, Resolution 2004R-367 of this Council established a fine schedule for administrative offenses;

Whereas, this Council has previously amended that fine schedule according to the authority it is granted to it in Section 2.70 of the Code; and

Whereas, the City Council wishes to amend the fine schedule to specify increased civil fine amounts for certain specified violations of Title 4 ("Animals and Fowl");

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the updated Schedule of Civil Fines, as herein amended, be adopted, to read as follows:

SCHEDULE OF CIVIL FINES FOR ADMINISTRATIVE OFFENSES

Adopted on 11/13/2009 by Resolution 2009R-548

Unless otherwise specified in the following schedule, the civil fine for an administrative offense enforced pursuant to Chapter 2 of the Minneapolis Code of Ordinances is \$200.

A second or subsequent violation of the same type by the same person or entity in a twenty-four (24) month period of time shall be subject to a fine that is double the amount of the fine imposed for the previous violation, up to a maximum of \$2000 per violation.

Description of Violation	Code Citation	Fine
Title 3 – Air Pollution and Environmental Protection Prohibited connections	56.70	\$750
Title 4 – Animals and Fowl License Required (dogs and cats) Collars and Tags Required Leashing and tethers Feces clean up Off leash dog areas; permits and regulations Dogs and cats in heat Maximum number animals of the dog, cat, ferret, or rabbit kind Animal Cruelty License required (ferrets) Vaccinations of dogs required Vaccinations of ferrets required Vaccinations of ferrets required Permit required (Fowl, pigeons, and other small animals) Unattended animals in streets, alleys, sidewalks, public places Attachment of animals to trees, posts prohibited Failure to provide adequate feed, shelter, exercise and space Failure to provide adequate veterinarian care	64.10 64.20 64.50(a) & 64.50(b) 64.50(c) 64.55 64.60 64.100 64.170 65.10 66.10 66.20 66.25 70.10 74.10 74.20 74.60	\$100 \$25 \$75 \$100 \$75 \$75 \$50 \$500 \$100 \$50 \$50 \$50 \$50 \$50 \$50 \$50 \$50 \$50 \$
Failure to follow security plan Failure to provide required information Keeping of honeybees Title 10 – Food Code Conducting or Operating a Food Establishment without a License	74.60 74.60 74.80 188.160	\$500 \$500 \$500 \$50
No Glass Outside After 11 PM in Downtown Title 11 – Health and Sanitation	188.540 (9)	\$100
Possessing Drug Paraphernalia in a Public Place Public Urination	223.235 227.180	\$240 \$80
Title 12 – Housing Graffiti – Defacement of Property Light and ventilation Heating facilities Supplied heating to habitable rooms or parts thereof Prohibited uses Required space in dwelling units Dwelling unit to be occupied by one family Basement space may be habitable Attic rooms Restricted attic use Condemnation authorized; requiring vacating License required Application for license	244.495 (a) 244.410 244.430 244.460 244.640 244.810 244.820 244.850 244.940 244.945 244.1450 244.1810 244.1840(1)(a)	\$240 \$500 \$500 \$500 \$500 \$500 \$500 \$500 \$5
Title 13 – Licenses and Business Regulations Operating a Business without a Required License (excluding Pawnshops and Precious Metal Dealers)	Chapters 266-350 excluding Chapters 322, 324	\$250

Operating as a Precious Metal Dealer without a Required License	322.20	\$500
Operating as a Pawnshop without a Required License	324.30	\$500 \$500
Taxi – Violation of Driver Prohibited Acts	341.250	\$250
		•
Taxi – No Driver's Licenses	341.340	\$250
Taxi – Operate a Taxi without a License	341.480	\$250
Taxi – Defective / Unsealed Meter	341.790	\$250
Title 44 Linuar and Daar		
Title 14 – Liquor and Beer	000 45 (0)	# 400
No Ropes/Stanchions for Sidewalk Café with Liquor	360.15 (3)	\$100
Music Emanating Beyond Confines of Business	360.55	\$100
Liquor Establishment – Litter within 100 Feet of Lot Lines	360.95	\$100
No Glass Outside After 9 PM in Downtown	360.100 (k)	\$100
Failure to Post Sign Warning Pregnant Women of Effects of Alcohol,	360.110	\$100
Blood Alcohol Chart, and Consequences of Driving Under the Influence)	
No Business License – License Required		\$500
Liquor License Required	362.10	
Wine License Required	363.20	
Beer License Required	366.10	
All Liquor Licenses shall be Posted in a Conspicuous Place	362.460	\$100
Premises to be Open to Inspection	362.490	\$500
Furnishing Liquor to Minors, not Large Venues or Special Events	364.10	\$500
Sales to Obviously Intoxicated Parties	364.30	\$500
Consumption in Public	364.40	\$80
·		\$80
Loitering in Possession of an Open Bottle	364.45	•
No Consumption of Liquor on Premises between 2:30 a.m. and	364.85	\$500
8:00 a.m.		00=0
Unauthorized Persons on Premises between 2:30 and 5:00 a.m.		\$250
"On Sale" Liquor License	364.100	
Wine or Beer License	368.70	
"On-Sale" Premises without Special Licenses to Close Certain Hours	364.100	\$250
"Spiking" Prohibited	368.20	\$250
Club Sales to Non-Members	368.50	\$250
Sale of Liquor to a Minor	370.10	\$500
Sales or Service by a Minor	370.20	\$500
Consumption by a Minor	370.40	\$160
Withholding of Pertinent Licensing Information on Application		\$200
Renewal	362.110	4
New	362.120	
Large Venue and Special Events	002.120	Each
Large vorted and opedial Everte		Incident
		(I) ¹
		(1)
Special Events: 1 to 10 points of sale (1 incident/sale to minor	364.10	\$500
to be a violation/compliance failure)		****
1		
Special Events: 11 or more points of sale (2 incidents/sales to	364.10	\$500 x I
minor to be a violation/compliance failure)		
Large Venues: 30 to 50 points of sale (2 incidents/sales to minor to	364.10	\$500 x I
be a violation/compliance failure)		

⁽Footnotes)

1 "I" signifies incidents of sales to underage parties.

Large Venues: 51 to 75 points of sale (3 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x I
Large Venues: 76 to 100 points of sale (4 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x I
Large Venues: 101 to 150 points of sale (5 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x I
Large Venues: 151 to 200 points of sale (6 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x I
Large Venues: 201 or more points of sale (7 incidents/sales to minor to be a violation/compliance failure)	364.10	\$500 x I
Title 15 – Offenses – Miscellaneous		
Loitering	385.50	\$240
Aggressive Solicitation	385.60	\$80
Lurking	385.80	\$240
Noise – Amplified Sound from Vehicles	389.65 (c)(6)	\$80
Noisy/Unruly Assembly; Participating in, Conducting, Visiting, Remaining at or Permitting	389.65(c)(1)	\$150
Noisy/Unruly Assembly; Owner, Rental License Holder or Landlord	389.65(c)(1)(c)	\$200
Noise – No Amplified Sound Permit	389.105	\$250
Title 17 – Streets and Sidewalks		
Littering	427.30	\$80
Title 18 – Traffic Code	470.70	Φ=0
Vehicles Displayed for Sale on Public Street	478.70	\$50 \$50
Commercial/Overweight Vehicle Parked in Residential Zone	478.240	\$50
Title 20 - Zoning Code		
Prohibited Home Occupation	535.460	\$250
Commercial Vehicle Parked in Residential Zone	546.80	\$50
Business Open After Hours		\$250
Residence Districts	546.60	
Office Districts	547.60	
C1 Neighborhood Commercial Districts	548.240	
C2 Neighborhood Corridor Commercial District	548.300	
C3A Community Activity Center District	548.360	
C3S Community Shopping Center District	548.420	
C4 General Commercial District	548.480	
Downtown Districts	549.60	
Industrial Districts	550.90	
Adopted 11/13/2009. Absent - Remington.		
Ansent - Reminaton		

PS&RS - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Wine Licenses, allowing restaurants that hold a wine license and have at least 25 seats to offer both Class D and Class E entertainment, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/13/2009.

Ordinance 2009-Or-120 amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Wine Licenses*, amending Section 363.10 to allow restaurants that hold a wine license and have at least 25 seats to offer both Class D and Class E entertainment, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-120
By Schiff
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Wine Licenses.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 363.10 of the above entitled ordinance be amended to read as follow:

363.10. Definitions. As used in this chapter, unless some other meaning is clearly required by the context, the following words and phrases shall mean:

Beverages: A drink of any kind.

Food: What is eaten for nourishment but excluding beverages.

Gross revenue: The total amount of receipts without regard to taxes or any other imposition.

Restaurant: An establishment, under the control of a single proprietor or manager, having appropriate facilities for serving meals, having facilities for interior seating of not fewer than fifty (50) guests at one (1) time at tables if the application is for a Class A through Class \underline{B} \underline{E} wine license and having facilities for seating not fewer than twenty-five (25) guests at one (1) time at tables if the application is for a Class D through Class E wine license, and where, in consideration of payment therefore, meals are regularly served at tables to the general public, and which employs an adequate staff to provide the usual and suitable service to its guests, and which has gross sales revenue during each fiscal year from the sale of food and beverages not containing alcohol in an amount of not less than sixty (60) per cent of its total gross revenue from the sale of food and beverages.

Wine: A vinous beverage containing not more than twenty-four (24) per cent alcohol by volume. Adopted 11/13/2009.

Absent - Remington.

PS&RS - Your Committee, to whom was referred ordinances amending Title 10 of the Minneapolis Code of Ordinances relating to *Food Code*, streamlining and standardizing license renewal references, now recommends that the following ordinances be given their second reading for amendment and passage:

- a. Chapter 188 relating to Administration and Licensing.
- b. Chapter 190 relating to Meat and Meat Products.
- c. Chapter 198 relating to Soft Drink Manufacture and Storage.
- d. Chapter 200 relating to Milk and Dairy Products.
- e. Chapter 201 relating to Public Markets.
- f. Chapter 202 relating to Municipal Market.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-121 amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to *Food Code: Administration and Licensing*, amending Sections 188.340, 188.520 and 188.530 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-121
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administrative and Licensing.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 188.340 of the above-entitled ordinance be amended to read as follows: 188.340. When licenses expire. Each license granted All licenses issued under this chapter shall expire on April 4 first of each year.

Section 2. That Section 188.520 of the above-entitled ordinance be amended to read as follows: **188.520. Indoor food cart vendors.** (a) A food license may be issued pursuant to section 259.30 for the operation of a food cart on indoor private property in accordance with the provisions of this section.

- (b) Application for an indoor food cart license shall be made upon forms provided by the division of licenses and consumer services and shall require information necessary to verify that the terms and conditions of this section have been met.
- (c) Each food cart shall be separately licensed and may operate only at the location specified in the license. A license may allow for reasonable movement within a designated area of a building, provided that the food cart is at all times readily observable by city inspectors in the course of their inspection duties. Every location for an indoor food cart shall comply with all applicable provisions of building and fire codes, including those relating to ingress, egress, and passageway clearance.
- (d) Each food cart license holder shall have the written consent of the property owner to its operation at the licensed location.
- (e) All indoor food cart licenses shall expire on April first of each year-subject to renewal year to year thereafter.
- (f) The provisions of subsections 188.510(4), (6), (7), (8), (9), (10), (11), (12), (13), (15), and (17) relating to sidewalk food carts shall also apply to indoor food carts, and such provisions are incorporated herein as though fully set forth in writing. However, the manager of environmental health may adopt regulations authorizing dimension limitations for indoor food carts that exceed the limitations in subsection 188.510(4) for sidewalk food carts.
 - (g) No license shall be issued for an indoor food cart in a skyway.
- (h) A sidewalk food cart operating indoors pursuant to subsection 188.510(20) shall pay only the license fee for sidewalk food carts and shall be exempt from the license fee for indoor food carts.
- (i) No application for a license shall be accepted for filing unless applicant files therewith plans and specifications for the cart that have been approved by the manager of environmental health.
- (j) The license fee for indoor food carts shall be as established in Appendix J, License Fee Schedule.
- Section 3. That Section 188.530 of the above-entitled ordinance be amended to read as follows: **188.530. Kiosk food cart vendors.** (a) Notwithstanding the provision of sections 188.450 and 188.510(7), a food license may be issued pursuant to section 259.30 for the operation of a food cart in a kiosk on private property in accordance with the provisions of this section.
- (b) Application for a kiosk food cart license shall be made upon forms provided by the department of licenses and consumer services and shall require information necessary to verify that the terms and conditions of this section have been met.
- (c) Each food cart shall be separately licensed and may operate only at the location specified in the license. The food cart must at all times be readily observable by city inspectors in the course of their inspection duties. Every location for an indoor food cart shall comply with all applicable provisions of building and fire codes, including those relating to ingress, egress and passageway clearance.

- (d) Each food cart license holder shall have the written consent of the property owner to its operation at the licensed location.
- (e) All kiosk food cart licenses shall expire on April first of each year subject to renewal year to vearthereafter.
- (f) The provisions of subsections 188.510(4), (6), (8), (9), (10), (11), and (12) of this Code, relating to sidewalk food carts shall also apply to kiosk food carts, and such provisions are incorporated herein as though fully set forth in writing. However, the manager of environmental health may adopt regulations authorizing dimension limitations for kiosk food carts that exceed the limitations in subsection 188.510 (4) for sidewalk food carts.
- (g) The menu for kiosk food cart vendor shall be limited to espresso-type drinks and other non-potentially-hazardous foods as determined by the manager of environmental health.
- (h) Fully operational and stocked toilet facilities and lavatory must be convenient to employees and be available at all hours of operation of the kiosk.
- (i) The manager of environmental health shall publish and may amend from time to time a set of guidelines relative to the servicing and maintenance of a kiosk food cart vendor.
- (j) No application for a license shall be accepted for filing unless applicant files therewith plans and specifications for the cart which have been approved by the manager of environmental health.
- (k) The annual license fee for each kiosk cart food vendors license shall be those fees described in section 188.250 of this Code.
- (I) Each application for a kiosk cart food vendors license shall comply with the site plan review standards as described in section 530.10 of this Code.
- (m) All kiosks licensed under this chapter shall be designed to be directly accessible from a motor vehicle so that items sold are passed directly from a service window to the driver of the waiting motor vehicle.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-122 amending Title 10, Chapter 190 of the Minneapolis Code of Ordinances relating to *Food Code: Meat and Meat Products*, amending Sections 190.110 and 190.210 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-122
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 10, Chapter 190 of the Minneapolis Code of Ordinances relating to Food Code: Meat and Meat Products.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 190.110 of the above-entitled ordinance be amended to read as follows: **190.110. When licenses expire.** Licenses granted issued under this article shall expire on April first of each year.

Section 2. That Section 190.210 of the above-entitled ordinance be amended to read as follows: **190.210. When licenses expire.** Licenses granted issued under this article shall expire on October first of each year.

Adopted 11/13/2009.

Ordinance 2009-Or-123 amending Title 10, Chapter 198 of the Minneapolis Code of Ordinances relating to *Food Code: Soft Drink Manufacture and Storage*, amending Section 198.40 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-123
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 10, Chapter 198 of the Minneapolis Code of Ordinances relating to Food Code: Soft Drink Manufacture and Storage.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 198.40 of the above-entitled ordinance be amended to read as follows: **198.40. When licenses expire.** Licenses granted issued under this chapter shall expire on May first of each year.

Adopted 11/13/2009. Absent - Remington.

Ordinance 2009-Or-124 amending Title 10, Chapter 200 of the Minneapolis Code of Ordinances relating to *Food Code: Milk and Dairy Products*, amending Sections 200.50, 200.70 and 200.80 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-124
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 10, Chapter 200 of the Minneapolis Code of Ordinances relating to Food Code: Milk and Dairy Products.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 200.50 of the above-entitled ordinance be amended to read as follows:

- **200.50. Distributors' licenses.** No person shall sell within the city any pasteurized milk or milk products unless such milk or milk products have been pasteurized in a pasteurization plant for which a certificate of inspection has been secured. No person shall process the same within the city without first having obtained a milk pasteurization license.
- (a) Application for a milk distributor's license shall be made to the department of licenses and consumer services. Such application shall be accompanied by the fee or fees herein set forth and established in Appendix J, License Fee Schedule, payable to the city finance officer. The license shall be issued or denied pursuant to section 259.30.
- (b) When any license is issued for a time less than the full license period, the license fee shall be prorated as provided by law.
 - (c) The milk distributor's license shall expire on February first of each year.

- (d)(c) The department of licenses and consumer services shall keep a register of each license issued, the number thereof, the name of the person to whom the same is issued, the date when issued, and date of expiration, the amount paid therefor, and such other data as may be required.
- (e)(d) At the time of application for a milk distributor's license, in addition to the regular application form required by the department of licenses and consumer services, a form prescribed and furnished by the commissioner of health shall be filled in by the applicant and shall become a part of the permanent records of the health department. Such form shall be submitted to the department of licenses and consumer services and forwarded directly, upon submission, to the commissioner of health.
 - Section 2. That Section 200.70 of the above-entitled ordinance be amended to read as follows:
- **200.70. Vehicle licenses.** (a) No person shall use or operate on any public highway in the city any vehicle used for the delivery of milk, or its products, or groceries and milk, without first having obtained a license in the manner hereinafter provided, except those vehicles exempt under Minnesota Statutes. This shall not be construed to apply to any retail grocery store vehicle delivering milk, its products, or groceries and milk, to city homes or places of business during the ordinary course of the delivery system operated by the grocery store. The application for such license shall be made to the department of licenses and consumer services and shall be accompanied by the fee or fees hereinafter set forth, payable to the city finance officer. The license shall be issued or denied pursuant to section 259.30. Licenses shall be transferable from one approved vehicle to another, owned by the same owner, at any time upon the payment of the requisite transfer fee.
- (b) No license shall be issued or renewal of an issued license granted unless and until the person applying for such license shall first execute or obtain and file with the department of licenses and consumer services, for each vehicle, a policy or policies in an insurance company authorized to do business in the State of Minnesota, insuring such person, the lessees or licensees of such person, against loss in the sum of at least twenty-five thousand dollars (\$25,000.00) for injury or death of any one person in any one accident, and (subject to said limit for one person) to a limit of not less than fifty thousand dollars (\$50,000.00) for injury or death of two (2) or more persons in any one accident, resulting from the negligent operation, ownership, use or defective condition of any such milk delivery or grocery and milk delivery vehicle. If the licensee operates more than one vehicle he may file one policy of insurance covering all such vehicles, which policy of insurance shall, however, insure or indemnify each vehicle in the amounts hereinabove stated. Every insurance policy or policies insuring milk delivery or grocery and milk delivery vehicles, in addition to the foregoing provisions, shall also contain a provision insuring such person in the sum of at least five thousand dollars (\$5,000.00) against loss or damage to the property of any person or persons in any one accident resulting from the negligent operation, ownership, use or defective condition of any such milk delivery or grocery and milk delivery vehicle.
- (c) Milk delivery vehicle and grocery delivery vehicle licenses shall expire on February first of each vear.
- (d)(c) Whenever any license is issued for a term less than the full license period, the license fee shall be prorated.
- (e)(d) At the time any vehicle license is issued, the person to whom the license is so issued shall be furnished by the department of licenses and consumer services with one decal for each such vehicle, and such decal shall show thereon a number, the name of the city, and the year when such license expires. The licensee shall at all times display such decal conspicuously on the vehicle as prescribed by the city health department.
- (f)(e) The department of licenses and consumer services shall keep a register of each license issued by said department, the number thereof, the name of the person to whom the same is issued, the date when issued, the date of the expiration of same, the amount paid therefor, and such other data as may be required.
- (g)(f) For each milk delivery vehicle the annual license fee shall be as established in Appendix J, License Fee Schedule.
- $\frac{h}{g}$ For each grocery and milk delivery vehicle the annual license fees shall be as established in Appendix J, License Fee Schedule.
- (i)(h) Every licensee hereunder, and every person delivering milk or groceries and milk, shall display and keep displayed at all times in a prominent place on each outer side of any vehicle used for such

deliveries, the name of the licensee which shall be printed in plain letters not less than four (4) inches in height, and keep such printed name in such condition that it may be at all times readily distinguishable. It shall be unlawful to display any name on the outside of the vehicle except that of the licensee and/or his registered trade name.

Section 3. That Chapter 200 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 200.80 to read as follow.

<u>200.80. When licenses expire.</u> Licenses issued under this chapter shall expire on February first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-125 amending Title 10, Chapter 201 of the Minneapolis Code of Ordinances relating to *Food Code: Public Markets*, amending Section 201.40 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-125
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 10, Chapter 201 of the Minneapolis Code of Ordinances relating to Food Code: Public Markets.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 201.40 of the above-entitled ordinance be amended to read as follows:

201.40. License fee <u>License Fee and when licenses expire</u>. The licensee of a public market shall pay an annual license fee as established in Appendix J, License Fee Schedule. Licenses granted <u>issued</u> under this chapter shall expire on April first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-126 amending Title 10, Chapter 202 of the Minneapolis Code of Ordinances relating to *Food Code: Municipal Market*, amending Section 202.50 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-126
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 10, Chapter 202 of the Minneapolis Code of Ordinances relating to Food Code: Municipal Market.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 202.50 of the above-entitled ordinance be amended to read as follows:

202.50. License fee <u>License fee and when licenses expire</u>. The licensee of a municipal market shall pay an annual license fee as established in Appendix J, License Fee Schedule. Licenses granted issued under this chapter shall expire on April first of each year.

Adopted 11/13/2009.

Absent - Remington.

PS&RS-Your Committee, to whom was referred ordinances amending Title 11 of the Minneapolis Code of Ordinances relating to *Health and Sanitation*, streamlining and standardizing license renewal references, now recommends that the following ordinances be given their second reading for amendment and passage:

- a. Chapter 225 relating to Garbage and Refuse.
- b. Chapter 231 relating to Public Swimming Pool Code.
- c. Chapter 232 relating to Suntanning Facilities.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-127 amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Garbage and Refuse*, amending Sections 225.310 and 225.440 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-127
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Garbage and Refuse.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 225.310 of the above-entitled ordinance be amended to read as follows: **225.310. When licenses expire.** All licenses issued hereunder under this article shall expire on August first of each year.

Section 2. That Section 225.440 of the above-entitled ordinance be amended to read as follows: **225.440. When licenses expire.** Licenses hereunder issued under this article shall expire on February first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-128 amending Title 11, Chapter 231 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Public Swimming Pool Code*, amending Section 231.130 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-128
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 11, Chapter 231 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Public Swimming Pool Code.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 231.130 of the above-entitled ordinance be amended to read as follows:

231.130. <u>License expiration</u> <u>When licenses expire</u>. All public swimming pool licenses <u>Licenses issued under this chapter</u> shall expire on <u>March 31 April first</u> of each year, <u>subject to renewal year to year thereafter</u>.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-129 amending Title 11, Chapter 232 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Suntanning Facilities*, amending Section 232.30 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-129
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 11, Chapter 232 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Suntanning Facilities.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 232.30 of the above-entitled ordinance be amended to read as follows:

- **232.30.** License renewal procedures When licenses expire, fees and inspections. (a) Expiration; and renewal Expiration and Fee.
 - (1) All licenses issued by the department pursuant to <u>under</u> this chapter shall expire annually on October first <u>each year</u> and may be renewed by submission to the department at least thirty (30) days prior to the expiration date with a license renewal application and the annual renewal fee as established in Appendix J, License Fee Schedule. The license fees shall be as established in Appendix J, License Fee Schedule.
 - (2) The department may refuse to renew the license of any owner or operator who has been found to be in violation of this chapter for the safe operation of tanning facilities.
 - (b) Inspection.
 - (1) Each tanning facility shall be inspected at least once each year after the initial year in which the facility was granted issued a license.

Adopted 11/13/2009.

Absent - Remington.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, streamlining and standardizing license renewal references and clarifying license and permit renewals, license duration, application process, and requiring compliance and posting of conditions, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/13/2009.

Ordinance 2009-Or-130 amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, amending Sections 259.10, 259.15, 259.17, 259.20, 259.30, 259.50, 259.110, 259.120, 259.125, 259.130, 259.132, 259.135, 259.180, 259.190, 259.200, 259.220, 259.240 and 259.250 to streamline and standardize license renewal references and clarifying license and permit renewals, license duration, application process, and requiring compliance and posting of conditions, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-130
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 259.10 of the above-entitled ordinance be amended to read as follows:

- **259.10.** Department of licenses and consumer services established; director to issue all licenses and license permits. There is hereby established a department of licenses and consumer services under the supervision of a director of licenses and consumer services who shall be the chief inspector, licenses, weights and measures, which shall have all powers, duties and functions heretofore or hereafter authorized and directed by the city council by ordinance or otherwise which are now vested, imposed upon or required of:
 - (1) The superintendent, licenses, weights and measures, the department of licenses, weights and measures or the division of licenses, weights and measures; and
 - (2) The city clerk insofar as such powers, duties and functions extend to licenses or license permits issued for any purpose whatever.

All licenses or license permits, whether a license fee is or is not required, shall be issued by and through the director of licenses and consumer services and shall be signed by the director or in the director's name by a duly authorized employee under the director's supervision and control and shall not be required to be signed by the mayor or any other city officer, provided that all licenses or license permits for any purpose authorized or required by state law to be issued by other city officers shall be signed by such other city officers but shall be issued and countersigned by the director. A consolidated license certificate shall be issued to every grantee upon which the annual license or licenses granted issued shall be noted and the official seal attached, except in those cases when decal is prescribed or the application is for a permit or an identification card. The term "license" in Titles 10, 11, 13 and 14 of this Code shall be construed to include both a "license" and a "license permit," where applicable.

Section 2. That Section 259.15 of the above-entitled ordinance be amended to read as follows:

259.15. Payment of taxes prerequisite to issuance, renewal of license. No license or license permit shall be granted, maintained, or renewed, issued or maintained for operation on any premises, on which taxes, assessments or other financial claims of the city or of the state are due, delinquent or unpaid. In the event an action has been commenced pursuant to the provisions of Chapter 278, Minnesota Statutes, questioning the amount or validity of taxes, the council may, on application by the licensee, waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof, which remain unpaid for a period exceeding one (1) year after becoming due unless a payment plan has been entered into or the liability is under litigation or appeal.

Section 3. That Section 259.17 of the above-entitled ordinance be and is hereby repealed.

259.17. Reinstatement fee following license revocation. In addition to any other license fee required, the applicant shall pay a fee of one thousand dollars (\$1,000.00) upon application for a license following revocation of any license or provisional license previously issued by the city pursuant to this

title to any of the following: the applicant; the person, partnership, or corporation in whose name the license is being sought; or to any person, partnership, or corporation which shares a beneficial interest in the business for which the license is being sought and a business for which a license or provisional license was previously revoked.

Section 4. That Section 259.20 of the above-entitled ordinance be amended to read as follows:

- **259.20.** One year limit. License duration and application deadlines. (a) No license or license permit shall be issued for a longer period than one year.
- (b) Unless otherwise provided in this Code, all licenses or license permits shall expire annually, with the date of the expiration of the licenses or license permits as specified in the ordinance specifically regulating the licensed activity. If no date is specified in such ordinance, a license or license permit shall expire on January first of each year.
- (c) When a license or license permit has already been issued, the deadline for application for a subsequent year shall be 30 days prior to the expiration date of the existing license or license permit, unless: (1) another application deadline is specified in the ordinance specifically regulating the licensed activity; or (2) another application deadline is otherwise communicated in writing to the licensee by the department of licenses and consumer services. If the application deadline is not met, there may be a delay in issuing or denying the subsequent license or license permit. A person shall not operate an establishment or conduct an activity that must be licensed after the license or license permit has expired and a new license or license permit has not been issued.
- (d) When a license, if issued, would be issued for a period of less than or equal to the last three months of an annual license, the director of licenses and consumer services may, based on only one application, issue a license for the remainder of the annual licensing year and also issue a license for one consecutive annual licensing year.

Section 5. That Section 259.30 (a) and (c) of the above-entitled ordinance be amended to read as follows:

- **259.30.** Applications for licenses; issuance of licenses. (a) All applications for licenses and license permits shall be made to the director of licenses and consumer services, and in all cases where the issuance of a license or license permit is required to be authorized and directed by the city council, the application for such license or license permit shall be forthwith presented by the director to the council for its consideration. License applications by the same applicant shall be made at the same time unless a new license is applied for.
- (c) In the event that the director of licenses and consumer services denies the license application for a director approved license, the application for the license shall be presented by the director to the council for its consideration. The city council shall have the final authority to issue or deny a license which had been denied by the director.
 - Section 6. That Section 259.50 of the above-entitled ordinance be amended to read as follows:
- **259.50.** Application blanks Applications. (a) All licensees shall apply for their licenses on an application form provided by the department of licenses and consumer services.
- (b) The department of licenses and consumer services shall provide proper application blanks forms for all licenses, these. These blanks to forms may contain questions relating to location, nature of business, building, sanitary and fire conditions, and any other questions that may be deemed necessary to give full information to the city council, or provided for as required in the appropriate chapter of this Code; and, in addition thereto, shall have proper spaces provided for the approval of the police department, the director of inspections, the zoning administrator, the commissioner of health, the chief of the bureau of fire prevention, and the waterworks department. Where similar information is required a single application shall may be used for more than one license.

Section 7. That Section 259.110 of the above-entitled ordinance be and is hereby repealed.

259.110. Fire department investigation required. Every application for a license or the renewal of an existing license for an occupation which is conducted in any building to which the public is invited shall be referred to the fire department. The fire department shall report to the council as to whether or not the building complies with the fire provisions of this Code, the state laws, and the rules and regulations of the fire department relative to fire prevention. No application for a license or for the renewal of any license for an occupation which is conducted in a building to which the public is invited shall be acted upon by the council until it has received the report of the fire department.

Section 8. That Section 259.120 of the above-entitled ordinance be and is hereby repealed.

259.120. Inspections by fire department. During the license year the fire department shall inspect the building or buildings in which occupations licensed by the council are carried on and to which the public is invited and if it finds that the laws of the State of Minnesota or the fire provisions of this Code, or the rules and regulations of the fire department are being violated in the use and occupancy of said building, it shall report such violation to the council, and upon the basis of the findings made, may withhold its approval of the renewal of said license. If the fire department shall withhold approval of the renewal of any license, the council may refuse to grant the renewal of a license for any occupation involving the use and occupancy of a building to which the public is invited.

Section 9. That Section 259.125 of the above-entitled ordinance be amended to read as follows: **259.125.** Business premise maintenance requirements. All businesses, licensed under Titles <u>10, 11,</u> 13 and 14 are required to maintain their business establishment and premises within the following minimum requirements:

- (1) Every business licensee shall inspect their premises from lot line to lot line, all adjacent streets, sidewalks and alleys adjoining their premise, and sidewalks and alleys within one hundred (100) feet of such premise lot lines and shall remove any litter and debris found there on a daily basis to prevent the accumulation of litter and debris.
- (2) All solid waste and recyclable materials shall be stored in refuse containers made of metal or approved plastic and shall be equipped with secure lids or covers, and such covers shall remain closed so as to prevent the intrusion of storm water or vermin.
- (3) Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure and not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses.
- (4) The buildings, fixtures, and grounds of all business premises shall be well maintained and in compliance with the UniBuilding Code of the State of Minnesota. Further, said facilities shall at all times be in compliance with the exterior maintenance standard of Chapter 85 of this Code, and the offensive condition standards of Chapter 227.90 of this Code.
- (5) Graffiti shall be promptly removed within the required timeframes established in Chapter 226.

Section 10. That Section 259.130 of the above-entitled ordinance be amended to read as follows: **259.130.** License prohibited without required approvals. (a) No license shall be granted or renewed issued unless the application contains all the information required, together with the approval of the various departments charged with the duty of conducting the investigations and making the reports as above set forth, except as provided in section 259.132 relating to the issuance of a provisional license pending completion of site plan.

- (b) Incomplete applications.
 - (1) Except for applications for a license under Title 14 of this Code, any application for a license that does not contain all requested and/or necessary information shall be deemed incomplete. An application remaining incomplete for one hundred twenty (120) days may be administratively denied by the director of licenses. The director shall notify the applicant of any deficiencies at least thirty (30) days prior to administrative denial.
 - (2) If the application remains incomplete after being given thirty-day notice, the director shall send written notice that the application license is denied. Applicants shall not be allowed to engage in any activities for which a license is required. Application fees shall not be refunded.
 - (3) An applicant may, prior to denial, send a written request to extend the application deadline. The director may extend the deadline for good cause. An applicant may appeal a license or extension denial to the city council within ten (10) days of notification of the denial.

Section 11. That Section 259.132 of the above-entitled ordinance be amended to read as follows: **259.132. Provisional license pending completion of site plan.** (a) The city council may grant a provisional license to an applicant for an existing business operation that was previously licensed in

the name of another person when the location of that business operation is not being changed, under the following circumstances:

- (1) The application for the license contains all required information and department approvals except that the zoning administrator has determined that the property at which the applicant's business is located has not fulfilled the requirements of Chapter 530, Site Plan Review.
- (2) No previous license, provisional license, or zoning approval granted issued by the city and held by the applicant has been revoked.
- (3) No previous site plan approved by the city with respect to the subject property has been revoked.
- (4) The subject property is in compliance with any interim deadlines and conditions established by a site plan approval that has been granted but for which the deadline for full implementation has not yet occurred.
- (b) A provisional license shall be effective for four (4) months following the date of issuance, subject to the following exceptions and limitations.
 - (1) Upon notification by the zoning administrator that an application and application fee for site plan review for the subject property pursuant to Chapter 530 has not been submitted to the zoning office within twenty (20) days of issuance of the provisional license, the director of licenses shall immediately revoke the provisional license.
 - (2) The director of licenses may extend the effective date of the provisional license for up to two (2) months if the zoning administrator determines that such additional time is necessary for completion of the site plan approval process.
- (c) The city council, or the director of licenses and consumer services for a director approved license, shall issue a license in place of the provisional license, to expire at the end of the license year applied for, upon notification by the director of licenses and consumer services or the zoning administrator that site plan approval has been granted for the subject property and a performance bond for the site plan improvements has been obtained, if such bond is required pursuant to Chapter 530.
- (d) The director of licenses <u>and consumer services</u> shall revoke the provisional license upon its expiration date and notification by the zoning administrator the site plan approval has not been granted for the subject property or that a required performance bond for site plan improvements has not been obtained.
- (e) Revocation of a provisional license by the director of licenses <u>and consumer services</u> may be appealed to the city council. The appeal must be filed within ten (10) calendar days of the date of the decision by the director to revoke the license.

Section 12. That Section 259.135 of the above-entitled ordinance be amended to read as follows: 259.135. License certificate to be posted in conspicuous place. Where any provision of this Code requires a license certificate to do business in the City of Minneapolis, such license shall be posted in a conspicuous place of said business. For the purposes of this section, "conspicuous place" shall mean display of the license certificate on a wall of said business, clearly visible to customers if such licensed business is open to the public, or clearly visible to city investigators standing inside the doorway of the main office of any nonpublic licensed business. No other wall-hanging, certificate or article of any kind, unless otherwise provided in this section, shall be displayed within twelve (12) inches of the license required by this Code. When more than one (1) license certificate or license permit is required by this Code, said certificates or license or license permits may be displayed in close proximity of each other. In the event that a licensee is operating an establishment subject to specific conditions or operational specific requirements imposed by the licensing authority or agreed to by the licensee, those conditions and requirements shall be clearly posted with or alongside the license certificate in a format approved by the director of licenses and consumer services.

Section 13. That Section 259.180 of the above-entitled ordinance be amended to read as follows: **259.180.** Continuing bonds for licenses. (a) Bonds for more than one year. Wherever under the terms of this Code an applicant for a license is required to furnish to the city a surety bond, and where the licensee intends to carry on this business for more than one license year and to renew the apply for a license annually, such licensee shall, at the time of obtaining the license required, furnish a bond to cover the current annual license and any future renewals of it annual licenses for such business.

(b) Terms of bond. The bond shall, in addition to other terms and conditions, contain the following: "Provided, however, it is hereby expressly understood and agreed that nothing herein contained shall be deemed or construed to reduce the liability hereunder below the above stated penal sum for the said license period, and the like sum for each and every succeeding annual license period for which said principal shall be licensed, the same as if a new bond in the same sum were executed for each and every separate license period. It is further expressly understood and agreed that the liability of the surety hereon to any and all persons incurred in any one license period shall not exceed the above stated penal sum.

"It is further provided, that it is the intention of the parties that this bond is to be a continuing bond furnished as required for the issuance of the license for the current year and for each succeeding year. This bond may be cancelled at any time upon giving the said principal and the department of licenses and consumer services of the City of Minneapolis thirty (30) days' written notice, said notice to be served by registered mail, whereupon, except as to any liabilities or indebtedness incurred, or accrued, prior to the termination of this said thirty (30) days' notice, the liability of the surety under this bond shall cease."

- (c) Exception. This section shall not apply to any bonds required for "off sale" liquor licenses. Section 14. That Section 259.190 of the above-entitled ordinance be amended to read as follows: **259.190. Determination of area where relevant to fee.** (a) Manner of determining. Where the
- **259.190. Determination of area where relevant to fee.** (a) *Manner of determining*. Where the provisions of this Code providing for the licensing of any trade, occupation or business provide that the license fee shall be determined by the area used in such trade, occupation or business, the determination of the area shall be by measuring, computing and taking into account all of the space actually used by the applicant in the conduct of the trade, occupation or business, including, but not limited to, salesroom display or storage space, rooms, sanitary facilities required of the particular trade, occupation or business and all areas where goods, wares and merchandise used, furnished or sold are kept, stored or used in the particular business licensed by the city.
- (b) Renewals <u>Subsequent Licenses</u>. Whenever any person who has been issued a license, in the issuance of which the area of the place of business must be determined pursuant to the terms of this Code, applies for the renewal of the <u>a subsequent</u> license, that person shall state in the application whether or not there have been any changes in the area used in the place of business. If the application shows that no changes have been made, then no new measurements or computations need be made for that license year.

Section 15. That Section 259.200 of the above-entitled ordinance be amended to read as follows: **259.200.** Name and address must be filed. Every person, firm, partnership or corporation conducting any trade, business, profession or occupation or any multiple dwelling, wherein a license or <u>license</u> permit or registration is required, shall file with the office of the director of licenses and consumer services or the director of inspections, or other appropriate department, a statement designating the name and address of the person authorized to receive citations, tags or notices from the city.

Section 16. That Section 259.220 of the above-entitled ordinance be amended to read as follows: **259.220.** Failure to comply with name and address filing. Failure to comply with sections 259.200 and 259.210 shall be grounds for revocation of the license, permit or registration or the license permit.

Section 17. That Section 259.240 (d) of the above-entitled ordinance be amended to read as follows: **259.240.** Control of shopping carts.

(d) *Enforcement*. Failure to comply with any of the provisions of this section may subject a license holder to a citation, administrative penalty, or in extenuating circumstances, license revocation, suspension or non-renewal or non-issuance of a future license in accordance with the procedures established by the city council.

Section 18. That Section 259.250 of the above-entitled ordinance be amended to read as follows: **259.250. Business license management responsibilities.** The following minimum standards and conditions shall be met in order to hold a license, provisional license or <u>license</u> permit under Titles 10, <u>11</u>, 13 and 14 of this Code. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation or suspension of said license or license permit.

- (1) It shall be the responsibility of the licensee to take appropriate action to prevent further violations following conduct by any persons on the business premises, including parking areas, in violation of any of the following statutes or ordinances:
 - a. Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling.
 - b. Minnesota Statutes, Sections 609.321 through 609.324, which prohibits prostitution and acts relating thereto.
 - c. Minnesota Statutes, Sections 152.01 through 152.025 or Section 152.027 subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances.
 - d. Minnesota Statutes, Sections 617.23 through 617.241, which prohibits indecent exposure and the exhibition and distribution of obscene materials or performances.
 - e. Minnesota Statutes, Section 609.33 or Section 385.170(b)(1) of this Code, which prohibit owning, operating, managing, maintaining or conducting a disorderly house, and inviting or attempting to invite others to visit or remain in a disorderly house.
 - f. Section 389.65 of this Code, which prohibits noisy assemblies.
 - g. Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716 and Section 393.40, 393.50, 393.70, 393.80, 393.90 and 393.150 of this Code, which prohibits the unlawful possession, transportation, sale or use of a weapon.
 - h. Minnesota Statutes, Section 609.72 and Section 385.90 of this Code, which prohibits disorderly conduct.
 - i. Sections 385.80 and 385.50 of this Code, which prohibit lurking and loitering.
 - j. Minnesota Statutes, Sections 609.74 and 609.745, which prohibit public nuisance and permitting a public nuisance.
 - k. Minnesota Statutes, Sections 609.50, which prohibits obstructing legal process, arrest, or firefighting.
 - I. Any other criminal activity arising out of the conduct of the business.
- (2) It shall be the responsibility of the licensee to maintain and operate the business in compliance with all applicable laws and ordinances, including the zoning, fire, environmental health, environmental management, license, food, liquor, housing and building codes.
- (3) The licensee is directly and vicariously responsible for any violations on the premises, including parking areas, by any employees, independent contractors, other persons hired by the licensee, or otherwise under the supervision or management of the licensee.
- (4) It shall be the responsibility of the licensee to provide adequate security to prevent criminal activity, loitering, lurking and disorderly conduct on the business premises, including parking areas.
- (5) A licensee shall be required to pay all delinquent court judgments arising out of their business and business operations.
- (6) Areas of the premises that are not regularly monitored by employees or security shall not be accessible to patrons, customers, or the public.
- (7) Vending and other unattended coin operated machines shall be in plain view of employees and shall not be operable during hours the business is not open to the public and in operation. Public pay telephones shall be operated in full compliance with Chapter 264 of this Code.
- (8) Parking and other outdoor areas of the premises accessible to the public shall be illuminated at an intensity of at least two (2) foot-candles per square foot at eighteen (18) inches above ground level.
- (9) It shall be the responsibility of the licensee to fully comply with all conditions of license or other operational specific requirements duly imposed by the licensing authority or agreed to by the licensee.
- (10) The licensee shall post the license certificate and any conditions of license in a manner that complies with section 259.135.
- (11) There shall be no fraud, misrepresentation, or bribery in securing or attempting to secure the license or license permit.
- (12) There shall be no false statements made or omissions of any material matter in any application for a license or license permit.

(9)(13) The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

Adopted 11/13/2009. Absent - Remington.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 261 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: License Fees Generally*, streamlining and standardizing license renewal references and providing that license fees under Title 3 *Air Pollution and Environmental Protection*, Title 4 *Animals and Fowl*, Title 10 *Food Code*, Title 11 *Health and Sanitation*, Title 12 *Housing*, Title 13 *Licenses and Business Regulations* and Title 14 *Liquor and Beer* are as established in Appendix J and combining license reinstatement fees into Chapter 261 ensuring that there is a public hearing when license fees are amended and streamlining late penalties, now recommends said ordinance be given its second reading for amendment and passage.

Adopted 11/13/2009. Absent - Remington.

Ordinance 2009-Or-131 amending Title 13, Chapter 261 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: License Fees Generally*, amending Sections 261.10, 261.15, 261.20 and 261.60 to streamline and standardize license renewal references and provide that license fees under Title 3 *Air Pollution and Environmental Protection*, Title 4 *Animals and Fowl*, Title 10 *Food Code*, Title 11 *Health and Sanitation*, Title 12 *Housing*, Title 13 *Licenses and Business Regulations* and Title 14 *Liquor and Beer* are as established in Appendix J and combining license reinstatement fees into Chapter 261 ensuring that there is a public hearing when license fees are amended and streamlining late penalties, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-131
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 261 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: License Fees Generally.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 261.10 of the above-entitled ordinance be amended to read as follows: **261.10. Payment in advance required.** Every applicant for any license required under this Code shall pay to the city finance officer, at the time of making application, the full amount of the annual license fee or such portion thereof as is required by the particular chapter of this Code pertaining to the particular license. License fees for licenses that are required under Titles 3 (Air Pollution and Environmental Protection), 4 (Animals and Fowl), 10 (Food Code), 11 (Health and Sanitation), 12 (Housing), 13 (Licenses and Business Regulations) and 14 (Liquor and Beer) are as established in Appendix J, License Fee Schedule. The applicant shall file the receipt for such payment with the application for the license. The applicant shall also pay any taxes as required in Chapter 259 of this Code.

Section 2. That Chapter 261 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 261.15 to read as follows:

261.15. Reinstatement fee following license revocation. In addition to any other license fee required, the applicant shall pay a fee of one thousand dollars (\$1,000.00) upon application for a license or license permit following revocation of any license, license permit, or provisional license previously issued by the department of licenses and consumer services to any of the following: the applicant; the person, partnership, or corporation in whose name the license is being sought; or to any person, partnership, or corporation which shares a beneficial interest in the business for which the license is being sought and a business for which a license, license permit or provisional license was previously revoked.

Section 3. That Section 261.20 of the above-entitled ordinance be amended to read as follows: 261.20. Late pPenalties for late application. If the applicant does not apply for a license within ten (10) days after commencing business, or for renewal within ten (10) days after expiration of the license, the annual license fee shall be increased by twenty (20) percent if application is made within one calendar month after the due date, and by an additional ten (10) percent for each following month up to a maximum of fifty (50) percent penalty for late filing In the event any application is granted which has not been filed on or before the application deadline, before the license can be issued the applicant shall pay an additional fee in the amount of twenty (20) percent of the fee as established in Appendix J, License Fee Schedule, in addition to the regular license fee before the license can be issues.

Section 4. That Section 261.60 of the above-entitled ordinance be amended to read as follows: **261.60. Annual fee adjustment.** Prior to August September 1 of each year, the appropriate committee of the city council shall conduct a <u>public</u> hearing to consider the adjustment of all license fees for the subsequent calendar year to reflect changes in administrative and enforcement costs in accordance with appropriate economic indicators as determined by the city council or committee.

Adopted 11/13/2009.

Absent - Remington.

PS&RS-Your Committee, to whom was referred ordinances amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations*, streamlining and standardizing license renewal references, now recommends that the following ordinances be given their second reading for amendment and passage:

- a. Chapter 265 relating to Special Permits for Specific Businesses and Uses.
- b. Chapter 266 relating to Rental Halls.
- c. Chapter 267 relating to Amusements.
- d. Chapter 269 relating to Asphalt Shingle and Roofing Material Manufacture.
- e. Chapter 271 relating to Auctions and Auctioneers.
- f. Chapter 272 relating to Resin Manufacturing.
- g. Chapter 277 relating to Building Trades Licenses.
- h. Chapter 278 relating to Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumber/Gas Fitter, Refrigeration and Steam and Hot Water Installers.
 - i. Chapter 279 relating to Christmas Tree Dealers.
 - j. Chapter 281 relating to Tobacco Dealers.
 - k. Chapter 283 relating to Courtesy Benches.
 - I. Chapter 285 relating to Dancing Schools.
 - m. Chapter 287 relating to Filling Stations and Bulk Oil Plants.
 - n. Chapter 289 relating to Fire Extinguisher Sales and Service.
 - o. Chapter 291 relating to Fuel Dealers.
 - p. Chapter 295 relating to Groceterias and Portable Stores.
 - q. Chapter 296 relating to Hospitals.
 - r. Chapter 297 relating to Hotels.
 - s. Chapter 297A relating to Bed and Breakfast Facilities.
 - t. Chapter 299 relating to Ice Sale and Manufacture.
 - u. Chapter 301 relating to Laundries and Dry Cleaning Establishments.
 - v. Chapter 303 relating to Horse and Carriage Livery Services.
 - w. Chapter 304 relating to Hoofed and/or Small Animal Service.

- x. Chapter 305 relating to Pedicabs.
- y. Chapter 307 relating to Valet Parking.
- z. Chapter 311 relating to Motor Scooter Leasing.
- aa. Chapter 313 relating to Motor Vehicle Dealers.
- bb. Chapter 315 relating to Motor Vehicle Lubricant Dealers.
- cc. Chapter 317 relating to Motor Vehicle Repair Garages.
- dd. Chapter 319 relating to Open Air Motor Vehicle Parking Lots.
- ee. Chapter 320 relating to Vehicle Immobilization Service.
- ff. Chapter 321 relating to Secondhand Dealers.
- gg. Chapter 322 relating to Precious Metal Dealers.
- hh. Chapter 324 relating to Pawnbrokers.
- ii. Chapter 325 relating to Pest Control.
- jj. Chapter 331 relating to Sidewalk Flower Cart Vendors.
- kk. Chapter 333 relating to Solicitors.
- II. Chapter 335 relating to Street Photographers.

mm. Chapter 339 relating to Body Art Code.

- nn. Chapter 341 relating to Taxicabs.
- oo. Chapter 343 relating to Transient Merchants.
- pp. Chapter 347 relating to Tree Servicing.
- qq. Chapter 348 relating to Used Motor Vehicle Parts Dealer.
- rr. Chapter 349 relating to Wreckers and Tow Trucks.
- ss. Chapter 350 relating to Recycling Activities and Salvage Yards.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-132 amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses*, amending Sections 265.40, 265.250 and 265.305 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-132
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Special Permits for Specific Businesses and Uses.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 265 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 265.40 to read as follows:

<u>265.40. When licenses expire and fees.</u> Licenses issued under this chapter shall expire on September first of each year. The license fees shall be as established in Appendix J, License Fee Schedule.

Section 2. That Section 265.250 of the above-entitled ordinance be amended to read as follows: **265.250. Licenses.** No person, copartnership or corporation shall operate a car wash without first obtaining a license for such operation pursuant to application made in the form prescribed by the department of licenses and consumer services. In order to be eligible for such a license for an existing car-wash establishment the applicant must comply with the standards and rules established by the city engineer. The license of any licensee may be revoked for failure to comply with such standards

and rules. The annual license fee shall be as established in Appendix J, License Fee Schedule, and the license shall expire on the first day of September.

Section 3. That Section 265.305 of the above-entitled ordinance be and is hereby repealed.

265.305. Renewal procedure. An application for renewal of a permit shall be filed on forms provided by the director of licenses and consumer services. The director of licenses and consumer services shall immediately transmit the same to the appropriate committee of the city council, whereupon the application may be summarily acted upon by said committee and referred to the city council for immediate action.

Adopted 11/13/2009. Absent - Remington.

Ordinance 2009-Or-133 amending Title 13, Chapter 266 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Rental Halls*, amending Sections 266.30 and 266.40 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-133
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 266 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Rental Halls.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 266.30 of the above-entitled ordinance be amended to read as follows: **266.30. Fee.** The fee for a new rental hall license application and for annual renewal of a rental hall license shall be as established in Appendix J, License Fee Schedule.

Section 2. That Section 266.40 of the above-entitled ordinance be amended to read as follows: **266.40.** License expiration When licenses expire. All annual licenses Licenses issued under this chapter shall expire on January 31 February first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-134 amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Amusements*, amending Sections 267.10, 267.30, 267.40, 267.50, 267.70, 267.160, 267.410, 267.450, 267.610, 267.660, 267.862, 267.863, 267.870, 267.970, 267.1150, 267.1160, 267.1220, 267.1350, 267.1730 and 267.1860 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-134
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Amusements.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 267.10 of the above-entitled ordinance be amended to read as follows:

- 267.10. License required When licenses expire. No person shall keep or maintain for the use of the public for a fee any of the instrumentalities or places listed in this article without being licensed under this article Licenses issued under this article shall expire on October first of each year.
 - Section 2. That Section 267.30 of the above-entitled ordinance be amended to read as follows:
- **267.30. Skating rinks.** The annual license fee for a skating rink, ice or roller, shall be as established in Appendix J, License Fee Schedule. Such license shall expire October first of each year. No person shall keep or maintain for the use of the public for a fee a skating rink without being licensed under this article.
 - Section 3. That Section 267.40 of the above-entitled ordinance be amended to read as follows:
- **267.40.** Amusement places for games of skill. The annual license fee for amusement places for games of skill that are not coin-operated shall be as established in Appendix J, License Fee Schedule. No person shall keep or maintain for the use of the public for a fee any amusement place for games of skill without being licensed under this article. This applies to places where balls or missiles of any kind are thrown or shot at any type of target, but does not apply to places otherwise licensed under this chapter. Such license shall expire November first of each year.
- Section 4. That Section 267.50 of the above-entitled ordinance be amended to read as follows: **267.50. Circuses.** The license fee for a circus shall be as established in Appendix J, License Fee Schedule. No person shall keep or maintain for the use of the public for a fee any circus without being licensed under this article.
- Section 5. That Section 267.70 of the above-entitled ordinance be amended to read as follows: **267.70. Children's rides.** The license fee for children's rides, not otherwise licensed, and the license fee for any animal which is used to give rides to children or is used to power a vehicle which is used to give rides to children shall be as established in Appendix J, License Fee Schedule. <u>Unless otherwise licensed, no person shall keep or maintain for the use of the public for a fee rides to children without having been licensed under this article. No person shall keep or maintain for the use of the public for a fee any animal which is used to give rides to children or is used to power a vehicle which is used to give rides to children without being licensed under this article.</u>
- Section 6. That Section 267.160 of the above-entitled ordinance be amended to read as follows: **267.160. Expiration**; **date When licenses expire**. All licenses hereunder <u>Licenses issued under this article</u> shall expire on December first of each year.
 - Section 7. That Section 267.410 of the above-entitled ordinance be amended to read as follows:
- 267.410. Application for license <u>License required</u>. Any person desiring to be licensed hereunder shall apply to the director of licenses and consumer services on forms to be provided by the director of licenses and consumer services, giving such information as may be required No person shall own or operate a bowling alley without being licensed under this article.
- Section 8. That Chapter 267 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 267.450 to read as follows:
- <u>267.450. When licenses expire.</u> Licenses issued under this article shall expire on April first of each year.
- Section 9. That Section 267.610 of the above-entitled ordinance be amended to read as follows: **267.610.** License expiration When licenses expire. All licenses Licenses issued under this article shall expire on November 4 first of each year.
 - Section 10. That Section 267.660 of the above-entitled ordinance be and is hereby repealed.
- **267.660.** License renewals. Any licensee desiring a renewal of license shall make application therefor not less ten (10) days prior to the expiration of the license then in force. If the application is not made within the time specified, the applicant shall be required to pay an additional fee as established in Appendix J, License Fee Schedule.
- Section 11. That Section 267.862 (e) of the above-entitled ordinance be amended to read as follows:

267.862 Class B licenses.

(e) Upon the request of the director of the department of licenses and consumer services, a restaurant required to obtain a Class B license shall file an audit or statement of account showing that

its gross revenues from the sale of food and nonalcoholic beverages meet the sixty (60) per cent requirement contained herein. The filing of a false or fraudulent audit or statement of account shall be grounds for revocation, or suspension, or refusal to renew of any liquor, wine or beer license.

Section 12. That Section 267.863 of the above-entitled ordinance be amended to read as follows: **267.863.** Class C license. A place that is not licensed for on-sale liquor, wine or beer and which has more than three (3) but not more than six (6) amusement devices shall obtain a Class C license. Each licensee holding a Class C license under this article shall strictly observe the following conditions. Failure to observe these conditions shall be grounds for suspension, or revocation or refusal to renew of a license granted pursuant to this article:

- (a) A manager at least twenty-one (21) years of age shall be on the premises at all times.
- (b) The licensee and employees and agents shall adhere to the provisions of section 395.50 of this Code relating to minors. No licensee or employees or agents shall knowingly permit a minor to be present on the premises in violation of curfew laws, nor knowingly permit a person under the age of seventeen (17) years to be present on the premises when school is in session unless on a valid excused absence.

Section 13. That Section 267.870 of the above-entitled ordinance be amended to read as follows: **267.870.** Expiration date When licenses expire. Licenses issued under this article shall expire on October first of each year.

Section 14. That Section 267.970 of the above-entitled ordinance be amended to read as follows: **267.970.** Expiration date When licenses expire. Licenses issued under this article shall expire on November first of each year.

Section 15. That Section 267.1150 of the above-entitled ordinance be amended to read as follows: **267.1150. Denial, revocation or non-renewal of license application.** An application for a license hereunder may be denied, and a license may be revoked or not renewed, after notice and opportunity for hearing thereon, for any of the following reasons:

- (1) The application contains material omissions, or false, fraudulent or deceptive statements.
- (2) The premises are operated in such a manner as to be a public nuisance as provided by this Code or by Minnesota Statutes, Sections 609.74 and 609.745.
- (3) The applicant is not in compliance with one (1) or more of the provisions of this article.
- (4) The proposed operation is in violation of any federal, state or local law or ordinance including, but not limited to, any law relating to zoning, building maintenance, fire prevention, health or safety.
- (5) A complete application has not been filed within sixty (60) days of the submission of a partial application.
- (6) The applicant, including any partners, officers, shareholders or on-site manager, if applicable, fails to prohibit the sale, possession, display or consumption of liquor, beer or controlled substances on the premises or in any parking lot under the control of the licensee, unless authorized pursuant to a temporary on-sale liquor license as provided for in section 362.35 of this Code, or a temporary on-sale beer license as provided for in section 366.40 of this Code, or a temporary on-sale wine license as provided for in section 363.41 of this Code.
- (7) The applicant, including any partners, officers, shareholders or on-site manager, if applicable, owes outstanding administrative fees imposed for Code violations.

Section 16. That Section 267.1160 of the above-entitled ordinance be amended to read as follows: **267.1160. When licenses expire.** All annual licenses <u>Licenses</u> issued under this article shall expire on April first of each year.

Section 17. That Section 267.1220 of the above-entitled ordinance be amended to read as follows: **267.1220.** Application for license When licenses expire. Any person desiring to be licensed shall apply to the director of licenses and consumer services on forms to be provided by the director of licenses and consumer services, giving such information as may be required Licenses issued under this article shall expire on April first of each year.

Section 18. That Section 267.1350 of the above-entitled ordinance be amended to read as follows: **267.1350. Expiration date When licenses expire.** Each license Licenses issued under this article shall expire on April 4 <u>first</u> of each year.

Section 19. That Section 267.1730 of the above-entitled ordinance be amended to read as follows: **267.1730. Expiration date When licenses expire.** Licenses issued under this article shall expire on October first of each year.

Section 20. That Section 267.1860 of the above-entitled ordinance be amended to read as follows: **267.1860. Expiration date When licenses expire.** All licenses Licenses issued under this article shall expire on October first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-135 amending Title 13, Chapter 269 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Asphalt Shingle and Roofing Material Manufacture*, amending Sections 269.30 and 269.40 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-135
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 269 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Asphalt Shingle and Roofing Material Manufacture.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 269.30 of the above-entitled ordinance be amended to read as follows: **269.30.** License fee. The annual fee for each such license shall be as established in Appendix J, License Fee Schedule, and shall be paid into the city treasury before the issuance of the license. In case any such license be applied for and issued subsequent to the first day of December of any license year, the license fee to be paid therefor shall be prorated quarterly.

Section 2. That Section 269.40 of the above-entitled ordinance be amended to read as follows: **269.40.** Expiration date; transferability When licenses expire. Each such license granted, pursuant to the provisions of this chapter, shall be <u>Licenses</u> issued by the city council and <u>under this chapter</u> shall terminate expire on the first day of December first of each year next succeeding the issuance of same, unless sooner revoked or forfeited, and shall not be transferable or assignable.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-136 amending Title 13, Chapter 271 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Auctions and Auctioneers*, amending Section 271.60 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-136
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 271 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Auctions and Auctioneers.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 271.60 of the above-entitled ordinance be amended to read as follows: **271.60.** Expiration date When licenses expire. Each license Licenses issued under this chapter shall expire on October first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-137 amending Title 13, Chapter 272 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Resin Manufacturing*, amending Section 272.70 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-137
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 272 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Resin Manufacturing.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 272.70 of the above-entitled ordinance be amended to read as follows: **272.70.** Expiration date When licenses expire. Each license Licenses issued under this chapter shall expire on July 1st first of each year.

Adopted 11/13/2009. Absent - Remington.

Ordinance 2009-Or-138 amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Building Trades Licenses*, amending Sections 277.2330, 277.2530, 277.2575, 277.2690, 277.2980, 277.3000 and 277.3060 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-138
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Building Trades Licenses.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 277.2330 of the above-entitled ordinance be amended to read as follows:

277.2330. Expiration When licenses expire. Each license Licenses issued under this article shall expire and terminate on December 4 first next succeeding issuance, unless sooner revoked or forfeited of each year.

Section 2. That Section 277.2530 of the above-entitled ordinance be amended to read as follows: 277.2530. Expiration When licenses expire; transfer. Each such license shall terminate Licenses issued under this article shall expire on December first next succeeding the issuance of the same, unless sooner revoked or forfeited of each year. The license shall not be transferable or assignable.

Section 3. That Chapter 277 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 277.2575 to read as follows:

<u>277.2575. When licenses expire.</u> Licenses issued under this article shall expire on December first of each year.

 $Section\,4.\,\, That\, Section\,277.2690\, of\, the\, above-entitled\, ordinance\, be\, amended\, to\, read\, as\, follows:$

277.2690. Expiration When licenses expire. Each such license shall terminate <u>Licenses</u> issued under this article shall expire on December first next succeeding issuance of the same, unless sooner revoked or forfeited of each year.

Section 5. That Section 277.2980 of the above-entitled ordinance be amended to read as follows: **277.2980. Application required.** Every licensee must complete the application form provided by the licenses and consumer services division. The application form shall contain all information required by the licenses and consumer services division, including, but not limited to:

- (a) The name, residence address and telephone number of the applicant:
- (b) The name of the residential specialty contracting establishment, its address and telephone number:
 - (c) Whether the applicant is a person, corporation or partnership:
 - (1) If the applicant is a corporation, the state of incorporation and the names, home addresses and telephone numbers of all officers and directors;
 - (2) If the applicant is a partnership, the names, home addresses and telephone numbers of all partners;
 - (d) The number of employees;
- (e) The federal and state tax withholding numbers and the unemployment insurance account number.

Section 6. That Section 277.3000 of the above-entitled ordinance be amended to read as follows:

277.3000. Expiration date When licenses expire. All Class A and B licenses previously Licenses issued under this article shall expire upon their first renewal date following the adoption of this chapter. All residential specialty contractor licenses shall expire on December first of each year subject to renewal year to year thereafter.

Section 7. That Section 277.3060 of the above-entitled ordinance be amended to read as follows: **277.3060. Denial, suspension, revocation of license.** A license to conduct, operate, engage in and transact a residential specialty contracting business as a residential specialty contractor may be denied, suspended, or revoked or renewal refused by the city council for any one or more of the following reasons:

- (1) Fraud, misrepresentation or bribery in securing a license.
- (2) The making of any false statement as to a material matter in any application for a license.
- (3) The business transactions by the contractor have been marked by a practice of failure to perform its contracts.
- (4) Failure to display the license or job site notice as provided in this article.
- (5) Violation of any provisions of this article, or of any rule or regulation or city law within the scope of regulating a residential specialty contracting business for the protection of consumers.
- (6) Violations by the residential specialty contractor and/or person acting under the direction and control of the residential specialty contractor, or any federal, state or municipal law arising out of and within the scope of business conducted by the residential specialty contractor.

- (7) Failure to pay any final civil judgment arising out of the residential specialty contracting business issued by a court of competent jurisdiction.
- (8) For just cause.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-139 amending Title 13, Chapter 278 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumber/Gas Fitter, Refrigeration and Steam and Hot Water Installers*, amending Section 278.250 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-139
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 278 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumber/Gas Fitter, Refrigeration and Steam and Hot Water Installers.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 278.250 of the above-entitled ordinance be amended to read as follows: **278.250.** Expiration; transfer When licenses expire. Each contractor license Licenses issued under this chapter shall expire on December 1, next succeeding the issuance. first of each year Contractor licenses shall not be transferable.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-140 amending Title 13, Chapter 279 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Christmas Tree Dealers*, amending Sections 279.30 and 279.50 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-140
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 279 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Christmas Tree Dealers.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 279.30 of the above-entitled ordinance be amended to read as follows: **279.30. Grounds for denial or non-renewal**. A Christmas tree dealer's license may be denied or renewal refused for any one (1) or more of the following reasons:

- (1) Fraud, misrepresentation, or bribery in securing a license.
- (2) The making of any false statement as to or omission of any material matter in any application for a license.
- (3) Previous failure to restore a lot to its original condition as required by section 279.70 279.35.
- (4) Failure to comply with any other provision of this chapter or chapter 259 or any rule or regulation or city law within the scope of regulating a Christmas tree dealer for the protection of the public.

Section 2. That Section 279.50 of the above-entitled ordinance be amended to read as follows: **279.50.** Expiration date When licenses expire. All licenses Licenses issued under this chapter shall expire on December first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-141 amending Title 13, Chapter 281 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Tobacco Dealers*, amending Section 281.40 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-141
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 281 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tobacco Dealers.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 281.40 of the above-entitled ordinance be amended to read as follows: **281.40.** Expiration date When licenses expire. All licenses Licenses issued under this chapter shall expire on April first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-142 amending Title 13, Chapter 283 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Courtesy Benches*, amending Sections 283.50 and 283.60 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-142
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 283 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Courtesy Benches.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 283.50 of the above-entitled ordinance be amended to read as follows: **283.50. Expiration date When licenses expire.** All licenses Licenses issued under this chapter shall expire on January first of each year.

Section 2. That Section 283.60 of the above-entitled ordinance be and is hereby repealed.

283.60. Renewal application. If plans and specifications of the bench, or advertising matter, or location of the bench, are not to be changed, the application for renewal shall be sufficient if the applicant gives his or her name and address, and the location and number of the bench for which renewal license is desired. If the original consent of the owner of the land or lessee upon the premises abutting that portion of the street where the bench is located granted to the license holder the continuing right to maintain such bench, the application may so state, and renewed consent shall not be required.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-143 amending Title 13, Chapter 285 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Dancing Schools*, amending Section 285.40 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-143
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 285 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Dancing Schools.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 285.40 of the above-entitled ordinance be amended to read as follows: **285.40.** License fee, expiration When licenses expire. The annual license fee for each school shall be as established in Appendix J, License Fee Schedule, and the license Licenses issued under this chapter shall expire on the first day of June first of each year following the date of issuance.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-144 amending Title 13, Chapter 287 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Filling Stations and Bulk Oil Plants*, amending Sections 287.30 and 287.40 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-144
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 287 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Filling Stations and Bulk Oil Plants.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 287.30 of the above-entitled ordinance be and is hereby repealed.

287.30. Application for license. An application for a gasoline filling station or bulk oil plant shall be made upon a form furnished by the director of licenses and consumer services or their designee.

Section 2. That Section 287.40 of the above-entitled ordinance be amended to read as follows:

287.40. License expiration date When licenses expire. Licenses issued under this chapter shall expire on September first of each year subject to renewal year to year thereafter.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-145 amending Title 13, Chapter 289 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Fire Extinguisher Sales and Service*, amending Sections 289.55 and 289.60 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-145
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 289 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Fire Extinguisher Sales and Service.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 289 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 289.55 to read as follows:

<u>289.55. When licenses expire.</u> Licenses issued under this chapter shall expire on October first of each year.

Section 2. That Section 289.60 of the above-entitled ordinance be amended to read as follows: **289.60.** License fee; expiration; transferability. The annual license fee for an applicant in the business of servicing fire extinguishers for the general public (Class A) and for an applicant not in the business of servicing fire extinguishers for the general public (Class B) shall be as established in Appendix J, License Fee Schedule. Each such license shall terminate the first day of October next succeeding the issuance of said license unless sooner revoked or forfeited, and shall not be transferable or assignable. The license fee shall be paid at the time of the filing of the application.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-146 amending Title 13, Chapter 291 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Fuel Dealers*, amending Section 291.70 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-146
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 291 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Fuel Dealers.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 291.70 of the above-entitled ordinance be amended to read as follows:

291.70. Expiration date When licenses expire. Each license Licenses issued under this chapter shall expire on September first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-147 amending Title 13, Chapter 295 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Groceterias and Portable Stores*, amending Section 295.100 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-147
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 295 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Groceterias and Portable Stores.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 295.100 of the above-entitled ordinance be amended to read as follows: 295.100. License fee; expiration When licenses expire and fees. The annual license fee for each mobile groceteria under this chapter shall be as established in Appendix J, License Fee Schedule. The fee required shall be in addition to any fees required by Chapter 188 for licenses otherwise required by the Code of Ordinances. Licenses issued under this chapter shall expire on April first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-148 amending Title 13, Chapter 296 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Hospitals*, amending Section 296.60 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-148
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 296 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Hospitals.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 296.60 of the above-entitled ordinance be amended to read as follows:

296.60. Expiration date When licenses expire. Each license Licenses issued under this chapter shall expire on November first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-149 amending Title 13, Chapter 297 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Hotels*, amending Section 297.60 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-149
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 297 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Hotels.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 297.60 of the above-entitled ordinance be amended to read as follows: 297.60. When licenses expire When licenses expire. All licenses Licenses issued under this chapter shall expire on the first day of November next following the issuance of the same first of each year.

Adopted 11/13/2009. Absent - Remington.

Ordinance 2009-Or-150 amending Title 13, Chapter 297A of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Bed and Breakfast Facilities*, amending Sections 297A.20 and 297A.25 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-150
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 297A of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Bed and Breakfast Facilities.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 297A.20 of the above-entitled ordinance be amended to read as follows: **297A.20.** License required. No person shall keep or operate a bed and breakfast facility in the City of Minneapolis without a license. No separate food license or hotel license is required for a licensed bed and breakfast facility. All licenses shall expire on November first of each year, subject to renewal year to year.

Section 2. That Chapter 297A of the Minneapolis Code of Ordinances be amended by to adding thereto a new Section 297A.25 to read as follows:

<u>297A.25. When licenses expire.</u> Licenses issued under this chapter shall expire on November first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-151 amending Title 13, Chapter 299 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Ice Sale and Manufacture*, amending Section 299.40 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-151
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 299 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Ice Sale and Manufacture.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 299.40 of the above-entitled ordinance be amended to read as follows:

299.40. Expiration date When licenses expire. All licenses Licenses issued under this chapter shall expire on April first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-152 amending Title 13, Chapter 301 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Laundries and Dry Cleaning Establishments*, amending Sections 301.60, 301.150 and 301.155 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-152
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 301 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Laundries and Dry Cleaning Establishments.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 301.60 of the above-entitled ordinance be amended to read as follows: **301.60. When licenses <u>expire</u>.** All licenses <u>Licenses issued</u> under this article shall expire on January first of each year.

Section 2. That Section 301.150 of the above-entitled ordinance be amended to read as follows: **301.150.** License required; fee; expiration. No person shall install, maintain or operate any dry cleaning machine or plant in the city without having first obtained a license to do so. The fee for such license shall be as established in Appendix J, License Fee Schedule. Such license shall expire on January first next succeeding issuance thereof.

Section 3. That Chapter 301 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 301.155 to read as follows:

<u>301.155. When licenses expire.</u> Licenses issued under this article shall expire on January first of each year.

Adopted 11/13/2009. Absent - Remington.

Ordinance 2009-Or-153 amending Title 13, Chapter 303 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Horse and Carriage Livery Services*, amending Section 303.40 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-153
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 303 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Horse and Carriage Livery Services.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 303.40 of the above-entitled ordinance be amended to read as follows: 303.40. Application; expiration; renewal When licenses expire. Every person seeking a horse and carriage livery service license shall apply for a license on forms provided by the department of licenses and consumer services. The application shall contain such information as the department may require to ensure that the applicant will comply with this chapter and is capable of operating a horse and carriage livery business. Each license Licenses issued under this chapter shall expire on December 31st of each year. A licensee may apply for renewal of its license, prior to its expiration, upon forms provided by the department.

Adopted 11/13/2009. Absent - Remington.

Ordinance 2009-Or-154 amending Title 13, Chapter 304 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Hoofed and/or Small Animal Service*, amending Section 304.40 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-154
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 304 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Hoofed and/or Small Animal Service.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 304.40 of the above-entitled ordinance be amended to read as follows: 304.40. Application; expiration; renewal When licenses expire. Every person seeking a hoofed and/or small animal service license shall apply for a license on forms provided by the department of licenses and consumer services. The application shall contain such information as the department may require to ensure that the applicant will comply with this chapter and is capable of operating a hoofed and small animal business. Each license Licenses issued under this chapter shall expire on December 31st of each year. A licensee may apply for renewal of its license, prior to its expiration, upon forms provided by the department.

Adopted 11/13/2009. Absent - Remington.

Ordinance 2009-Or-155 amending Title 13, Chapter 305 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Pedicabs*, amending Section 305.40 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-155
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 305 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Pedicabs.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 305.40 of the above-entitled ordinance be amended to read as follows: **305.40.** Expiration; renewal When licenses expire. A pedicab business license Licenses issued under this chapter shall expire on April thirtieth May first of each year subject to renewal year to year.

Adopted 11/13/2009. Absent - Remington.

Ordinance 2009-Or-156 amending Title 13, Chapter 307 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Valet Parking*, amending Section 307.30 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-156
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 307 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Valet Parking.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 307.30 of the above-entitled ordinance be amended to read as follows:

- **307.30.** License required. (a) No valet parking operator shall provide valet parking without a license required under this chapter. A valet parking operator must obtain a license for each authorized valet loading zone in which it operates a valet parking service. Persons obtaining permission for temporary valet parking are exempt from obtaining the license required under this chapter.
- (b) Licenses granted under the provisions of <u>issued under</u> this chapter shall expire on April 1 after issue first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-157 amending Title 13, Chapter 311 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Motor Scooter Leasing*, amending Section 311.50 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-157
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 311 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Scooter Leasing.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 311.50 of the above-entitled ordinance be amended to read as follows: 311.50. When licenses <u>expire</u>. All licenses <u>Licenses</u> <u>Licenses issued under this chapter</u> shall expire on February first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-158 amending Title 13, Chapter 313 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Motor Vehicle Dealers*, amending Section 313.50 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-158
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 313 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Vehicle Dealers.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 313.50 of the above-entitled ordinance be amended to read as follows: **313.50. When licenses expire.** All-licenses Licenses issued under this chapter shall expire on July first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-159 amending Title 13, Chapter 315 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Motor Vehicle Lubricant Dealers*, amending Section 315.40 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-159
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 315 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Vehicle Lubricant Dealers.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 315.40 of the above-entitled ordinance be amended to read as follows: 315.40. When licenses expire. Such licenses Licenses issued under this chapter shall expire on September first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-160 amending Title 13, Chapter 317 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Motor Vehicle Repair Garages*, amending Section 317.50 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-160
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 317 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Vehicle Repair Garages.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 317.50 of the above-entitled ordinance be amended to read as follows: 317.50. Expiration date When licenses expire. All motor vehicle repair garage licenses Licenses issued under this chapter shall expire on September first of each year subject to renewal from year to year thereafter.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-161 amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots*, amending Section 319.70 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-161
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 319.70 of the above-entitled ordinance be amended to read as follows: 319.70. Expiration date: renewal. All commercial parking lot licenses Licenses issued under this chapter shall expire on September first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-162 amending Title 13, Chapter 320 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Vehicle Immobilization Service*, amending Section 320.30 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-162
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 320 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Vehicle Immobilization Service.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 320.30 of the above-entitled ordinance be amended to read as follows: 320.30. License fee; expiration; and renewal When licenses expire. The annual license fee shall be as established in Appendix J, License Fee Schedule, to be paid when the application is filed. All licenses Licenses issued under this chapter shall expire on September first of each year subject to renewal year to year thereafter.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-163 amending Title 13, Chapter 321 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Secondhand Dealers*, amending Sections 321.70 and 321.280 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-163
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 321 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Secondhand Dealers.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 321.70 of the above-entitled ordinance be amended to read as follows:

321.70. Expiration of license When licenses expire. All licenses Licenses issued under this article shall expire on July 1st first of each year.

Section 2. That Section 321.280 of the above-entitled ordinance be amended to read as follows: 321.280. Expiration When Licenses Expire. All licenses in Licenses issued under this article shall expire annually every July 1st on July first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-164 amending Title 13, Chapter 322 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Precious Metal Dealers*, amending Section 322.60 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-164
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 322 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Precious Metal Dealers.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 322.60 of the above-entitled ordinance be amended to read as follows: **322.60.** Expiration of license When licenses expire. All licenses Licenses issued under this chapter shall expire on July first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-165 amending Title 13, Chapter 324 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Pawnbrokers*, amending Section 324.70 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-165
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 324 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Pawnbrokers.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 324.70 of the above-entitled ordinance be amended to read as follows: **324.70.** Expiration of license When licenses expire. All licenses Licenses issued under this chapter shall expire on January 4 first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-166 amending Title 13, Chapter 325 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Pest Controls*, amending Sections 325.30 and 325.35 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-166
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 325 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Pest Control.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 325.30 (c) of the above-entitled ordinance be amended to read as follows: **325.30.** Licenses and fees.

(c) Every applicant for either a master or journeyman license must take and pass an oral or written examination before a license will be granted issued.

Section 2. That Chapter 325 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 325.35 to read as follows:

<u>325.35. When licenses expire.</u> Licenses issued under this chapter shall expire on January first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-167 amending Title 13, Chapter 331 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Sidewalk Flower Cart Vendors*, amending Section 331.50 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-167
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 331 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Sidewalk Flower Cart Vendors.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 331.50 of the above-entitled ordinance be amended to read as follows: 331.50. License expiration; renewal When licenses expire. All sidewalk flower cart licenses Licenses issued under this chapter shall expire on April first of each year subject to renewal year-to-year thereafter.

Adopted 11/13/2009. Absent - Remington.

Ordinance 2009-Or-168 amending Title 13, Chapter 333 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Solicitors*, amending Section 333.70 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-168
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 333 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Solicitors.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 333.70 of the above-entitled ordinance be amended to read as follows: 333.70. Licenses nontransferable; expiration date When licenses expire. A solicitor's license is nontransferable, and Licenses issued under this chapter shall expire on June first of each year.

Adopted 11/13/2009. Absent - Remington.

Ordinance 2009-Or-169 amending Title 13, Chapter 335 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Street Photographers*, amending Section 335.40 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-169
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 335 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Street Photographers.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 335.40 of the above-entitled ordinance be amended to read as follows: **335.40. When licenses expire.** Each license Licenses issued under this chapter shall expire on June first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-170 amending Title 13, Chapter 339 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Body Art Code*, amending Section 339.110 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-170
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 339 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Body Art Code.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 339.110 of the above-entitled ordinance be amended to read as follows: **339.110. When licenses expire.** All licenses Licenses issued under this chapter shall expire on the first day in May first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-171 amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, amending Sections 341.430, 341.630 and 341.920 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-171
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Taxicabs.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 341.430 of the above-entitled ordinance be amended to read as follows: 341.430. Renewals When license expires and fees. (a) All Drivers' licenses shall be issued as of July first of each year and issued under this article shall expire June thirtieth on July first of each year the next succeeding year. The director may cause the renewal of a driver's license from year to year by appropriate endorsement upon the application for renewal and payment of an annual fee as specified in Appendix J, License Fee Schedule. The driver in applying for a renewal of a license shall make such application upon a form to be furnished by the department that shall be filled out with the full name and address of the applicant, together with the date and number of the original license. If a driver has not been licensed in the previous license year, he or she shall be considered a new applicant. The license fee shall be as established in Appendix J, License Fee Schedule.

Section 2. That Section 341.630 of the above-entitled ordinance be amended to read as follows: 341.630. Expiration; and renewal. (a) All Ttaxicab licenses shall be issued as of February first of each year and issued under this article shall expire January thirty-first on February first next succeeding of each year, subject to renewal year to year. if the taxicab has been operated in conformance with this chapter and the licensee continues to meet all requirements of this chapter.

- (b) Renewal applications, including fees, shall be due on February first of each year. The late penalties provided in section 261.20 shall apply. License fees shall be as established in Appendix J. License Fee Schedule.
- (c) Those taxicab service companies that on December 31st of each year are exceeding the minimum fleet fuel efficiency levels, and wheelchair accessible vehicles as described in section 341.300 of this code, shall be permitted to submit a service company license with no renewal fee from department of licenses and consumer services for that year. This fee waiver incentive shall terminate on January 1, 2011.

Section 3. That Section 341.920 of the above-entitled ordinance be amended to read as follows: 341.920. Expiration and renewal When licenses expire. Every All service company licenses issued under this article shall expire on February first of each year, and be subject to renewal year to year, on the same dates as taxicab vehicle licenses under this chapter.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-172 amending Title 13, Chapter 343 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Transient Merchants*, amending Section 343.50 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-172
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 343 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Transient Merchants.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 343.50 of the above-entitled ordinance be amended to read as follows: **343.50.** License fee; expiration When licenses expire and fees. The annual license fee shall be as established in Appendix J, License Fee Schedule, to be paid when the application is filed. All

licenses <u>issued under this chapter</u> shall expire on May first of each year subject to renewal year to year thereafter. If a person or organization or association desires to carry on the business of transient merchant under this chapter at more than one location at the same time, then a license fee for each additional location, as established in Appendix J, License Fee Schedule, shall be charged.

Adopted 11/13/2009. Absent - Remington.

Ordinance 2009-Or-173 amending Title 13, Chapter 347 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Tree Servicing*, amending Section 347.90 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-173
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 347 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tree Servicing.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 347.90 of the above-entitled ordinance be amended to read as follows: 347.90. Denial, refusal to renew, suspension and revocation of licenses. An application for a license under this chapter may be denied or a license issued under this chapter may be revoked or suspended for good cause.

Adopted 11/13/2009. Absent - Remington.

Ordinance 2009-Or-174 amending Title 13, Chapter 348 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Used Motor Vehicle Parts Dealer*, amending Section 348.90 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-174
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 348 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Used Motor Vehicle Parts Dealer.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 348.90 of the above-entitled ordinance be amended to read as follows: **348.90.** Expiration date When licenses expire. All licenses issued under this chapter shall expire on July first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-175 amending Title 13, Chapter 349 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Wreckers and Tow Trucks*, amending Sections 349.220 and 349.260 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-175
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 349 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Wreckers and Tow Trucks.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 349.220 of the above-entitled ordinance be amended to read as follows: **349.220. Denial, suspension and revocation.** Any license under this chapter may be denied, suspended, or revoked or renewal refused for any one or more of the following causes:

- (a) Fraud, misrepresentation or bribery in securing a license;
- (b) The making of any false statement as to a material matter in any application for a license;
- (c) Repeatedly causing damage or injury to vehicles being serviced due to the negligence or lack of skill of the owner or operator of the licensed vehicle:
- (d) Failure to pay or make arrangements to pay within ninety (90) days any final judgment arising out of the ownership, use or operation of a licensed vehicle;
 - (e) Failure to comply with any provisions of this chapter -:
 - (f) Failure to comply with standards and conditions as specified in Chapter 259 of this Code. Section 2. That Section 349.260 of the above-entitled ordinance be amended to read as follows:
- 349.260. Expiration date When licenses expire. Each license Licenses issued under this chapter shall expire on September first of each year.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-176 amending Title 13, Chapter 350 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Recycling Activities and Salvage Yards*, amending Section 350.40 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-176
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 13, Chapter 350 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Recycling Activities and Salvage Yards.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 350.40 of the above-entitled ordinance be amended to read as follows:

350.40. Fee expiration; address of operation; additional yards; new business surcharge When licenses expire and fees. The annual license fee for a recycling or salvage yard license shall be as established in Appendix J, License Fee Schedule. If a licensee has more than one (1) address of operation, each address must be licensed separately, unless the properties are contiguous or connected. However, the property of all recycling or salvage yards which were licensed on June 30, 1998, or for which there was a pending application on that date, subsequently approved for license, shall continue to be considered as one yard, provided that the property continues to be operated by the same licensee. If a licensee has more than one yard, the fee for each additional yard shall be as established in Appendix J, License Fee Schedule. There shall be a surcharge as established in Appendix J, License Fee Schedule, for all new applications for recycling or salvage yard license or for license for new additional yards accepted after June 30, 1998. Licenses issued under this section chapter shall expire on July first of each year.

Adopted 11/13/2009.

Absent - Remington.

PS&RS-Your Committee, to whom was referred ordinances amending Title 14 of the Minneapolis Code of Ordinances relating to *Liquor and Beer*, streamlining and standardizing license renewal references, now recommends that the following ordinances be given their second reading for amendment and passage:

- a. Chapter 362 relating to Liquor Licenses.
- b. Chapter 363 relating to Wine Licenses.
- c. Chapter 366 relating to Beer Licenses.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-177 amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, amending Sections 362.10, 362.80, 362.100 and 362.110 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-177
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 362.10 of the above-entitled ordinance be amended to read as follows:

362.10. Required, expiration date; change of location. No person shall sell, exchange, barter, dispose of or keep for sale any liquor, as defined in section 360.10, without first having obtained a license as herein provided. All licenses granted issued under the provisions of this chapter shall bear an identification number, with one-fourth of the licenses bearing the "1000" series, one-fourth the "2000" series, and the remainder bearing the "4000" series. The licenses bearing an identification number in the "1000" series shall expire January first; the licenses bearing an identification number in the "2000" series shall expire April first; the licenses bearing an identification number in the "3000" series shall expire July first; and the licenses bearing an identification number in the "4000" series shall expire October first.

Where there is a change in the location of an existing business, the license of said business must be surrendered to the city and an application must be made for a new license in the manner provided by this chapter.

Section 2. That Section 362.80 of the above-entitled ordinance be and is hereby repealed.

362.80. Penalty for late renewal. In the event any application is granted which has not been filed on or before sixty (60) days prior to the expiration of the license year, before the license can be issued the applicant shall pay an additional fee as established in Appendix J, License Fee Schedule, in addition to the regular license fee:

Section 3. That Section 362.100 of the above-entitled ordinance be amended to read as follows: **362.100. Application procedure.** (a) Every application for a license to sell liquor, including applications for renewal of existing licenses or for recording changes in the ownership or management of establishments having existing licenses, or for an expansion of licensed premises, shall be made only upon forms furnished by the department of licenses and consumer services and when completed by the applicant, shall be filed with said department, and a record of the same made therein. The application shall then be referred by said department to the license inspector of the police department, who, upon having completed investigation thereof, shall direct the same to the department of licenses and consumer services.

(b) Any person desiring renewal of either of the licenses to sell liquor shall make and file on or before sixty (60) days prior to the expiration of the license year a verified written application to the city council, through the department of licenses and consumer services in form as prescribed by the state liquor control commission. If, in the judgment of the council, good and sufficient cause is shown by an applicant for failure to file the application for a license on or before sixty (60) days prior to the expiration of the license year, the council may, if the other provisions of this chapter are complied with, grant such application.

Section 4. That Section 362.110 of the above-entitled ordinance be and is hereby repealed.

362.110. Renewal application form. In the case of renewal of an existing license, application may be made in such abbreviated form as the city council may approve.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-178 amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Wine Licenses*, amending Sections 363.20, 363.22 and 363.110 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-178
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Wine Licenses.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 363.20 of the above-entitled ordinance be amended to read as follows:

363.20. License required. (a) No person shall sell, exchange, barter, dispose of, or keep for sale any wine, as defined in section 363.10, without first having obtained a license as herein provided.

(b) All licenses granted under the provisions of this chapter shall expire on April first after issue. Section 2. That Chapter 363 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 363.22 to read as follows:

<u>363.22. When licenses expire.</u> Licenses issued under this chapter shall expire on April first each year.

Section 3. That Section 363.110 of the above-entitled ordinance be and is hereby repealed.

363.110. Renewal application form. In the case of renewal of an existing license, application may be made in such abbreviated form as the city council may approve.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-179 amending Title 14, Chapter 366 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Beer Licenses*, amending Sections 366.10, 366.15, 366.110 and 366.120 to streamline and standardize license renewal references, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-179
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Title 14, Chapter 366 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Beer Licenses.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 366.10 of the above-entitled ordinance be amended to read as follows:

366.10. <u>License</u> Required; expiration date. No person shall sell, exchange, barter, dispose of or keep for sale any beer, as defined in section 360.10, without first having obtained one or more of the licenses herein provided for. All licenses granted under the provisions of this chapter shall expire on April first after issue.

Section 2. That Chapter 366 of the Minneapolis Code of Ordinances be amended by addition thereto a new Section 366.15 to read as follows:

<u>366.15 When licenses expire.</u> All licenses issued under this chapter shall expire on April first each year.

Section 3. That Section 366.110 of the above-entitled ordinance be amended to read as follows: 366.110. Application forms and procedures. (a) Every application for a license to sell beer, including applications for renewal of existing licenses or changes in ownership or expansion of premises, shall be made only upon forms furnished by the department of licenses and consumer services and, when completed by the applicant, shall be filed by the same department and a record of the same made therein. An application for a change in ownership or expansion of an "on sale" premises shall be accompanied by a nonrefundable investigation fee as established in Appendix J, License Fee Schedule. A licensee holding an "off sale" beer license shall not be required to make application for an expansion of premises. Notwithstanding the above-stated requirements, a licensee which is a publicly held corporation or a wholly owned subsidiary of a publicly held corporation need not file an application nor pay an investigation fee for changes in shareholders of the publicly held corporations nor changes in officers of either the publicly held corporation or the wholly owned subsidiary. An application and investigation fee must be submitted for changes in shareholders of the wholly owned subsidiary corporation and/or changes in managers. An application and investigation fee must be submitted for a change in manager when the licensee is a nonresident individual.

The application for an "on sale" beer license shall then be referred by the department of licenses and consumer services to the license inspector of the police department, who upon having completed investigation thereof, shall direct the same to the department of licenses and consumer services. The

application for a new "off sale" beer license or for the renewal of an "off sale" beer license shall be recorded and investigated by the department of licenses and consumer services.

(b) Any person desiring any of the licenses to sell beer required by this chapter shall, except in the case of application for transfer of licenses, make and file on or before thirty (30) days prior to the expiration of the license year, a verified, written application to the city council, through the department of licenses and consumer services, on forms furnished by the department of licenses and consumer services. If, in the judgment of the council, good and sufficient cause is shown by any applicant for failure to file the application for a license on or before thirty (30) days prior to the expiration of the license year, the council may, if all other provisions are complied with, grant said application notwithstanding the applicant's failure to file the same thirty (30) days prior to the expiration of the license year.

Section 4. That Section 366.120 of the above-entitled ordinance be and is hereby repealed.

366.120. Renewal form. In case of the renewal of an existing license such renewal application may be made in such abbreviated form as the city council may approve.

Adopted 11/13/2009.

Absent - Remington.

PS&RS - Your Committee, to whom was referred an ordinance amending *Appendix J* of the Minneapolis Code of Ordinances relating to *License Fees Schedule*, eliminating references to specific ordinance sections and referencing only the titles to avoid repeat modifications of Appendix J over time, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-180 amending *Appendix J* of the Minneapolis Code of Ordinances relating to *License Fees Schedule*, amending Appendix J to eliminate references to specific ordinance sections and referencing only the titles to avoid repeat modifications of Appendix J over time, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-180
By Samuels
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 11/13/2009

Amending Appendix J of the Minneapolis Code of Ordinances relating to License Fees Schedule.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Appendix J of the above-entitled ordinance be amended to read as follows:

APPENDIX J LICENSE FEES SCHEDULE

License Fees Schedule.

(a) The license fees referenced in sections 362.50(c), 363.50, 366.11,362.50(a), 360.50(c), 362.38, 362.35(d), 362.35(e), 362.60(b), 362.50(e), 362.36(a)(5), 360.100(b)(5), 362.36(a)(5), 362.90(b), 362.50, 366.60, 366.40(a), 366.40(e), 363.50(a), 363.41(d), 363.25(e), 363.26(e), 363.41(e), 372.70, 267.600, 267.650, 267.860, 321.260(1), 321.260(2), 321.260(5), 321.260(7), 321.260(6), 321.

268.60(a), 267.40, 278.240, 287.50, 293.70, 293.80, 293.20, 278.240, 304.30, 303.30, 303.110, 296.50, 297.50(b), 299.30, 267.960, 225.420, 244.1150, 202.50, 201.40, 201.60(1), 200.70(g), 200.50(a), 311.40, 313.40, 320.30, 315.30, 317.40, 349.130, 349.150, 349.250, 348.30, 278.240, 319.60, 324.50, 323.20, 323.30, 305.30, 68.20, 278.240, 267.1230, 322.50, 350.40, 278.240, 266.30, 266.70, 244.1880, 277.2990, 272.50, 321.50, 267.1680, 331.40, 331.90, 277.2520, 267.30, 333.60, 225.320, 278.240, 335.30, 332.20(b), 231.480, 339.100(b), 339.120(6), 339.100(a), 339.120(5), 341.410, 341.410(b), 341.430, 341.580, 341.310, 341.625, 341.655, 341.650, 341.645, 341.910, 341.335(g), 267.1850, 281.30, 343.50, 347.70, 307.40, 349.50, 261.30, 261.35, 261.40, 261.20, 262.20, 362.80, 362.90, 363.80, 363.90, 366.70, 366.90, 261.36, 46.60, 47.70, 48.310, 50.70, 54.92(d) Titles 3 (Air Pollution and Environmental Protection), 4 (Animals and Fowl), 10 (Food Code), 11 (Health and Sanitation), 12 (Housing), 13 (Licenses and Business Regulations) and 14 (Liquor and Beer) of this Code shall be updated at least annually through council approval as specified in section 261.60.

(b) The Director of Regulatory Services shall publish, maintain and make available to the public via all readily available means, including posting to the city's designated Internet site(s), a schedule of all such fees referenced in subsection (a). Such schedule shall be titled License and Annual Billing Fees Fee Schedule and shall be effective on January 1st of each year.

Adopted 11/13/2009.

Absent - Remington.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Kevin Grohs and Dawn Reinke for the property located at 3225 Humboldt Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930, and 244.1940 of the Minneapolis Code of Ordinances for failure to allow required inspections at the property, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 11/13/2009.

Absent - Remington.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Kevin Grohs and Dawn Reinke for the property located at 3225 Humboldt Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930, and 244.1940 of the Minneapolis Code of Ordinances for failure to allow required inspections at the property, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 11/13/2009.

Absent - Remington.

PS&RS - Your Committee, having under consideration the Rental Dwelling Licenses held by Gregge K. Johnson and Five Star General Construction for the properties located at 3940 4th Av S, 3325 5th Av, 1716 26th Av N, 3607 Bryant Av N, 3811 Humboldt Av N, 2222 McNair Av N, 2621 Oak Park Av N, 3459 Oliver Av N, 1518 Park Av, 1819 Queen Av N, 2911 Sheridan Av N, and 1639 Washburn Av N, and a hearing having been held before an Administrative Hearing Officer who issued Findings of Fact, Conclusions and a Recommendation that the rental dwelling licenses be revoked, now recommends concurrence with the recommendation of the Director of Inspections that said licenses be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930 and 244.1940 of the Minneapolis Code of Ordinances by having an interest in two properties that have had their rental licenses revoked and/or cancelled, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 11/13/2009.

Absent - Remington.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends acceptance of the low responsive bid received on OP #7207 submitted by Buberl Recycling and Composting, Inc., in the amount of \$97,428, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the demolition and site clearance of eight structures for the Department of Regulatory Services, all in accordance with City specifications. Further, that the proper City officers be authorized to execute a contract for said project.

Glidden moved a substitute to reject all bids submitted under OP #7207, and that property address 3121 Columbus Av be referred back to the Public Safety & Regulatory Services Committee. Further, that the proper City staff be directed to authorize a rebid for demolition of the following seven remaining properties:

712 11th Av SE; 2121 14th Av S; 3808 17th Av S; 3545 Columbus Av S; 2316 Madison Av NE; 2744 Taylor Av NE; and 611 E 36th St. Seconded.

Adopted upon a voice vote.

Absent - Remington.

The report, as amended, was adopted 11/13/2009.

Absent - Remington.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration proposed assessments for water and sewer service line repairs or replacements, and having held a public hearing thereon, now recommends that the property located at 56 Clarence Ave SE (PID 30-029-23-41-0112) be removed from the assessment list pending further investigation by staff.

Your Committee further recommends passage of the accompanying resolution adopting and levying the assessments for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 273890 on file in the office of the City Clerk.

Colvin Roy moved that the property located at 56 Clarence Ave SE be returned to the assessment list.

Adopted by unanimous consent.

Absent - Remington.

The report, as amended, was adopted 11/13/2009.

Absent - Remington.

Approved by Mayor Rybak 11/13/2009.

(Published 11/17/2009)

Resolution 2009R-549, adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements, was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-549 By Colvin Roy

Adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 273890.

Whereas, a public hearing was held on November 5, 2009 in accordance with Section 509.465 of the Minneapolis Code of Ordinances to consider the proposed assessments as shown on the proposed

assessment rolls on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessments against the affected properties on the Water Service Line Repair List, dated August 27, 2009 set forth in Petn No273890 in the total amount of \$457,228.95 as shown on the proposed assessment roll on file in the office of the City Clerk and reduced to \$443,148.95 due to prepayments received, hereby are adopted and levied;

That the proposed assessments against the affected properties on the Sewer Service Line Repair List, dated August 14, 2009 set forth in Petn No 273890 in the total amount of \$37,100.25 as shown on the proposed assessment roll on file in the office of the City Clerk hereby are adopted and levied.

Be It Further Resolved that the assessments be collected in five (5) successive equal annual principal installments beginning on the 2010 real estate tax statements with interest charged at the rate of 8%.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of said assessment rolls to the Hennepin County Auditor.

Adopted 11/13/2009.

Absent - Remington.

Approved by Mayor Rybak 11/13/2009.

T&PW - Your Committee, having under consideration areaway abandonment and removal for properties located in the W Lake St (Dupont Ave S to Blaisdell Ave S) and Lyndale Ave S (W 29th St to W 31st St) Reconstruction Project No 6708, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting and levying the assessment for the areaway abandonment and removal for the benefited property located at 821 W Lake St.

Adopted 11/13/2009.

Absent - Remington.

Approved by Mayor Rybak 11/13/2009.

(Published 11/17/2009)

Resolution 2009R-550, adopting and levying the assessments for the unpaid charges for the areaway abandonment and removal from the property known as 821 W Lake St., was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-550 By Colvin Roy

Adopting and levying the assessments for the unpaid charges for the areaway abandonment and removal from the property known as 821 W Lake St. PID 04-028-24-11-0045, as set forth in Petn No 273890.

Whereas, a public hearing was held on November 5, 2009, in accordance with Chapter 8, Sections 12 and 13, Chapter 10, Section 6 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances, to consider the proposed assessment as shown on the proposed assessment roll on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessment against the affected property at 821 W Lake St, PID No 04-028-24-11-0045, and legally described as:

W 42 ft of Lots 11 and 12, Block 3, "Calhoun Park",

set forth in Petn No 273890 in accordance with the W Lake St (Dupont Ave S to Blaisdell Ave S) and

Lyndale Ave S (W 29th St to W 31st St) Street Reconstruction and Streetscape Project, Special Improvement of Existing Street No 6708 as ordered by Resolution 2007R-151, in the total amount of \$452.23 and as shown on the proposed assessment roll on file in the office of the City Clerk, be and hereby is adopted and levied.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments may be paid shall be fixed at five (5) and that interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessment to begin on the 2010 real estate tax statement.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 11/13/2009.

Absent - Remington.

Approved by Mayor Rybak 11/13/2009.

T&PW - Your Committee recommends that the proper City officers be authorized to enter into the Hiawatha Corridor Light Rail Transit Project Operations and Maintenance Agreement with the Metropolitan Council in order to meet Federal Transit Administration and State of Minnesota Requirements. This agreement does not result in any monetary payments between the two parties.

Adopted 11/13/2009.

Absent - Remington.

T&PW - Your Committee recommends that the proper City officers be authorized to negotiate and execute a contract amendment with the Minneapolis Downtown Improvement District for the provision of operations, cleaning, and maintenance services for the Marquette Ave and 2nd Ave bus shelters and real time devices.

Your Committee further recommends that the proper City officers be authorized to negotiate and execute an interagency agreement with Metro Transit (Metropolitan Council) for funding for the operations, cleaning, and maintenance of the Marquette Ave and 2nd Ave bus shelters and real time devices.

Adopted 11/13/2009.

Absent - Remington.

T&PW - Your Committee recommends passage of the accompanying resolution levying special assessments upon the benefited properties for various Public Works Department projects and charges, adopting the assessment rolls, and directing the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 11/13/2009.

Absent - Remington.

Approved by Mayor Rybak 11/13/2009.

(Published 11/17/2009)

Resolution 2009R-551, levying 2009 various Public Works Department special assessments and adopting the assessment rolls was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-551 By Colvin Roy

2009 Levy of Various Public Works Department Special Assessments and Adoption of Assessment Rolls.

Resolved by The City Council of The City of Minneapolis:

That the special assessments for the projects and charges listed below be levied upon the benefited properties for the listed number of successive equal annual installments and interest rates (except as otherwise noted hereinafter), that the assessment rolls as prepared by the City Engineer be adopted and that the City Clerk be directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2010 real estate tax statements.

- 1. Uptown (Hennepin-Lake Area) Streetscape Revitalization Project (including Supplemental), Special Improvement of Existing Street No 2897; 15% of cost category adjusted annually for land and building valuation and certified annually for 20 years; 5.3% interest; \$14,689.85 principal and interest for payable 2010 Levy 01026 Project 2897O.
- 2. Lyndale Ave S Street Reconstruction Project Phase II (from 31st St W to Minnehaha Pkwy), Special Improvement of Existing Street No 6729; \$583,827.57 principal; 20 installments for assessments of more than \$150 4% interest Levy 01026 Project 6729-2; 1 installment for assessments of \$150 or less 2% interest Levy 01026 Project 2-6729.
- 3. Chicago Ave S (Franklin Av to 25th St E) Phase II, Reconstruction Project, Special Improvement of Existing Street No 6382; \$745,806.04 principal; 20 installments for assessments of more than \$150 4% interest Levy 01026 Project 6382-2; 1 installment for assessments of \$150 or less 2% interest Levy 01026 Project 2-6382.
- 4. Third Ave N Street Reconstruction Project, Special Improvement of Existing Street No 9882; \$79,524.96 principal; 20 installments for assessments of more than \$150 4% interest Levy 01026 Project 9882C, 1 installment for assessments of \$150 or less 2% interest Levy 01026 Project C9882.
- 5. Second Ave N Street Reconstruction Project, Special Improvement of Existing Street No 6730; \$78,757.34 principal; 20 installments for assessments of more than \$150 4% interest Levy 01026 Project 6730C, 1 installment for assessments of \$150 or less 2% interest Levy 01026 Project C6730.
- Second Ave S Street Reconstruction Project, Special Improvement of Existing Street No 6739;
 \$900,533.39 principal; 20 installments for assessments of more than \$150 4% interest Levy 01026
 Project 6739C, 1 installment for assessments of \$150 or less 2% interest Levy 01026 Project C6739.
- 7. Marquette Ave S Street Reconstruction Project, Special Improvement of Existing Street No 6740; \$981,945.79 principal; 20 installments for assessments of more than \$150 4% interest Levy 01026 Project 6740C, 1 installment for assessments of \$150 or less 2% interest Levy 01026 Project C6740.
- 8. Malcolm Ave SE Street Reconstruction Project, Special Improvement of Existing Street No 6728; \$272,997.73 principal; 20 installments for assessments of more than \$150 4% interest Levy 01026 Project 6728C.
- 9. Areaway Abandonment & Removal at 2700-2708 E Lake St in conjunction with the Lake St E Street Reconstruction and Streetscape Project, Special Improvement of Existing Street No 6709; \$409,358.46 principal; 20 installments for assessments of more than \$150 4% interest Levy 01054 Project 6709-2.
- 10. a. Twenty-seventh Ave S Streetscape and Street Lighting Revitalization, Special Improvement of Existing Street No 6217; \$101,816.86; 15 principal installments for assessments of more than \$150 4% interest Levy 01026 Project 6217S.
- 10. b. Giving final approval for Street Lighting District No 1330 (said district having been established for the Twenty-Seventh Ave S Streetscape and Street Lighting Revitalization Project No 6217); annual operation and maintenance costs in said district \$649.99 Levy 01023 Project 1330.
- 11. a. W Lake St and Lyndale Ave S Streetscape and Street Lighting Revitalization, Special Improvement of Existing Street No 6708; \$2,302,154.18; 15 installments for assessments of more than \$150 4% interest Levy 01026 Project 6708S.
- 11. b. Giving final approval for Street Lighting District No 1327 (said district having been established for the W Lake St and Lyndale Ave S Streetscape and Street Lighting Revitalization Project No 6708); annual operation and maintenance costs in said district \$6,162.73 Levy 01023 Project 1327.

- 12. Lynnhurst (Phase V) Street Renovation Project, Special Improvement of Existing Street No 5198; \$496,860.68 principal; 10 installments for assessments of more than \$150 4% interest Levy 01026 Project 5198R; 1 installment for assessments of \$150 or less 2% interest Levy 01026 Project R5198.
- 13. Xerxes Ave N Street Renovation Project, Special Improvement of Existing Street No 2268; \$91,230.94 principal; 10 installments for assessments of more than \$150 4% interest Levy 01026 Project 2268R; 1 installment for assessments of \$150 or less 2% interest Levy 01026 Project R2268.
- 14. Thirty-Eighth Street E Street Resurfacing Project, Special Improvement of Existing Street No 5196; \$114,765.16 principal; 5 installments for assessments of more than \$150 3.4% interest Levy 01027 Project 5196-9; 1 installment for assessments of \$150 or less 2% interest Levy 01027 Project 9-5196.
- 15. Fuller North Street Resurfacing Project (Phase II), Special Improvement of Existing Street No 2270; \$68,476.58 principal; 5 installments for assessments of more than \$150 3.4% interest Levy 01027 Project 2270-9; 1 installment for assessments of \$150 or less 2% interest Levy 01027 Project 9-2270.
- 16. Bloomington Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5194; \$91,939.88 principal; 5 installments for assessments of more than \$150 3.4% interest Levy 01027 Project 5194-9; 1 installment for assessments of \$150 or less 2% interest Levy 01027 Project 9-5194.
- 17. Xerxes Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5203; \$261,311.18 principal; 5 installments for assessments of more than \$150 3.4% interest Levy 01027 Project 5203-9; 1 installment for assessments of \$150 or less 2% interest Levy 01027 Project 9-5203
- 18. Thomas Ave N Street Resurfacing Project, Special Improvement of Existing Street No 5195; \$102,471.43 principal; 5 installments for assessments of more than \$150 3.4% interest Levy 01027 Project 5195-9; 1 installment for assessments of \$150 or less 2% interest Levy 01027 Project 9-5195.
- 19. Nicollet Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5188; \$144,898.04 principal; 5 installments for assessments of more than \$150 3.4% interest Levy 01027 Project 5188-9; 1 installment for assessments of \$150 or less 2% interest Levy 01027 Project 9-5188.
- 20. Oak Hill (West) Street Resurfacing Project, Special Improvement of Existing Street No 5193; \$963,824.42 principal; 5 installments for assessments of more than \$150 3.4% interest Levy 01027 Project 5193-9; 1 installment for assessments of \$150 or less 2% interest Levy 01027 Project 9-5193.
- 21. Forty-Fourth St W Street Resurfacing Project, Special Improvement of Existing Street No 5199; \$141,397.95 principal; 5 installments for assessments of more than \$150 3.4% interest Levy 01027 Project 5199-9; 1 installment for assessments of \$150 or less 2% interest Levy 01027 Project 9-5199.
- 22. Hennepin Ave (South bound) Street Resurfacing Project, Special Improvement of Existing Street No 5205; \$23,815.55 principal; 5 installments for assessments of more than \$150 3.4% interest Levy 01027 Project 5205-9; 1 installment for assessments of \$150 or less 2% interest Levy 01027 Project 9-5205.
- 23. 2009 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS09#1; \$44,262.91 principal; 5 installments for assessments of more than \$150 3.4% interest Levy 01013 Project FS091; 1 installment for assessments of \$150 or less 2% interest Levy 01013 Project 091FS.
- 24. Project No 2010, Snow and Ice Removals from Public Sidewalks; \$122,591.04 principal (reduced from \$134,974.19 due to prepayments); 1 installment 2% interest Levy 01057 Project 10SI1.
- $25. \ Project \, No \, 2010, \, Public \, Sidewalk \, Repair \, and \, Construction; \, \$1,280,705.02 \, principal \, (reduced from \, \$1,357,523.90 \, due \, to \, prepayments); \, 10 \, installments \, for \, assessments \, of \, more \, than \, \$1,500 4\% \, interest \, Levy \, 01052 \, Project \, 10S10; \, 5 \, installments \, for \, assessments \, of \, more \, than \, \$150 \, up \, to \, \$1,500 \, to \,$

- 3.4% interest - Levy 01052 - Project 10S05; 1 installment for assessments \$150 or less - 2% interest - Levy 01052 - Project 10S01.

Adopted 11/13/2009.

Absent - Remington.

Approved by Mayor Rybak 11/13/2009.

T&PW - Your Committee, having under consideration the Street Light Operations Assessments, Project 1337L for payable 2010 and all written and oral objections and statements regarding the assessments and having held a public hearing on October 20, 2009 in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances, now recommends:

- a) That properties owned by cemeteries be removed from the assessment rolls;
- b) That assessments regarding properties owned by railroads **be sent forward without recommendation**; and
- c) That the proposed assessments in the amount of \$114,835 be adopted and levied, that the assessment roll filed by the City Engineer with the City Clerk (Petn No 273890) be adopted and that the City Clerk be directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Colvin Roy moved that Part (b) of the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "remain on the assessment roll".

Adopted by unanimous consent.

Absent - Remington.

The report, as amended, was adopted 11/13/2009. Yeas, 10; Nays, 2 as follows:

Yeas - Samuels, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Benson, Goodman, Hodges, Johnson.

Nays - Gordon, Hofstede.

Absent - Remington.

Approved by Mayor Rybak 11/13/2009.

(Published 11/17/2009)

T&PW - Your Committee, having under consideration the Street Maintenance Assessment, Project 1337M, for payable 2010 and all written and oral objections and statements regarding the assessments and having held a public hearing on October 20, 2009 in accordance with the provisions of Laws 1969, Ch. 499, as amended by Laws 1994, Ch. 587, Art. 9; Laws 1973, Ch. 393, as amended by Laws 1974, Ch. 153 and Laws 2008, Ch. 154; and the procedures set out at Minn. Stat. Section 429.061, now recommends:

- a) That properties owned by cemeteries be removed from the assessment rolls;
- b) That assessments regarding properties owned by railroads **be sent forward without recommendation**;
- c) That the street maintenance assessments be levied at one-third (1/3) of the present proposed rate beginning on the 2010 tax statements, with staff directed to phase in the assessment to the present proposed rate by equal increases on the 2011 and 2012 tax statements; and
- d) That the proposed assessments in the amount of \$191,100 be adopted and levied, that the assessment roll filed by the City Engineer with the City Clerk (Petn No 273890) be adopted and that the City Clerk be directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor

Colvin Roy moved that Part (b) of the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "remain on the assessment roll".

Adopted by unanimous consent.

Absent - Remington.

The report, as amended, was adopted 11/13/2009. Yeas, 11; Nays, 1 as follows:

Yeas - Samuels, Gordon, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Benson, Goodman, Hodges, Johnson.

Nays - Hofstede. Absent - Remington. Approved by Mayor Rybak 11/13/2009. (Published 11/17/2009)

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the 35W Crosstown Municipal Agreement (south of 42nd St), now recommends that the proper City officers be authorized to negotiate and execute Amendment No 2 to Agreement No 89244-R with the Minnesota Department of Transportation, to address changes in the anticipated scope and cost of the project. No additional appropriation required.

Adopted 11/13/2009.

Absent - Remington.

T&PW & W&M/Budget - Your Committee, having under consideration the Camden Bridge Rehabilitation Project, now recommends passage of the accompanying resolutions:

- a) Accepting \$400,000 from the Minnesota Department of Transportation (Mn/DOT) and increasing the appropriation for the Camden Bridge Rehabilitation Project; and
- b) Authorizing the negotiation and execution of a Cooperative Construction Agreement and a Construction Partnership Agreement between Mn/DOT and the City of Minneapolis, pending satisfactory review by the proper City officers.

Adopted 11/13/2009.

Absent - Remington.

Approved by Mayor Rybak 11/13/2009.

(Published 11/17/2009)

RESOLUTION 2009R-552 By Colvin Roy and Ostrow

Amending The 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Accepting \$400,000 from the Minnesota Department of Transportation; and
- b) Increasing the appropriation for the PW-Capital Improvements Fund for the Camden Bridge Rehabilitation Project (4100-9010938-CBR109) by \$400,000 and increasing the revenue source (4100-9010938-3210) by \$400,000.

Adopted 11/13/2009.

Absent - Remington.

Approved by Mayor Rybak 11/13/2009.

(Published 11/17/2009)

Resolution 2009R-553, authorizing the execution of two inter-agency agreements with the Minnesota Department of Transportation (Mn/DOT) for a Cooperative Construction Agreement (Agreement 95517) and for a Construction Partnership Agreement for Mn/DOT Oversight Engineering (Agreement 95546-P), was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-553 By Colvin Roy and Ostrow

CAMDEN BRIDGE REHABILITATION (CITY PROJECT NO 0022)

Authorizing the execution of two inter-agency agreements with the Minnesota Department of Transportation (Mn/DOT) for a Cooperative Construction Agreement (Agreement 95517) and for a Construction Partnership Agreement for Mn/DOT Oversight Engineering (Agreement 95546-P).

Whereas, the Camden Bridge Rehabilitation Project was selected to receive 10 million dollars in federal aid funds through the American Recovery and Reinvestment Act for rehabilitation to the bridge superstructure, bridge redecking, drainage construction, railing and lighting replacement; and

Whereas, the Federal Highway Administration has required Mn/DOT construction oversight on portions of the project; and

Whereas, the City of Minneapolis has requested Mn/DOT construction oversight on portions of the project; and

Whereas, the original Camden Bridge design was lengthened 300 feet prior to its construction in 1975 to accommodate the construction of Interstate 94; and

Whereas, Mn/DOT has retained ownership of the portion of the Camden Bridge modified to accommodate Interstate 94 as part of the Trunk Highway system; and

Whereas, Minnesota Statutes Section 161.20, subdivision 2 authorizes the Commissioner of Transportation to make arrangements with and cooperate with any governmental authority for the purposes of construction, maintaining and improving the trunk highway system; and

Whereas, the agreements to be executed will allow the City of Minneapolis to be reimbursed for costs up to \$400,000 related to construction activities on the Mn/DOT portion of the Camden Bridge, and will allow Mn/DOT to conduct construction oversight activities during construction which will be reimbursed by the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers are hereby authorized and directed, on behalf of the City, to negotiate and execute and enter into an agreement with the Mn/DOT Commissioner of Transportation as set forth and contained in the Minnesota Department of Transportation Agency Agreement Numbers 95517 and 95546-P, pending satisfactory review by the proper City officers.

Adopted 11/13/2009.

Absent - Remington.

Approved by Mayor Rybak 11/13/2009.

T&PW & W&M/Budget - Your Committee, having under consideration the Marquette Ave S and 2nd Ave S Reconstruction Projects (1st St S to 12th St S), now recommends:

- a) Passage of the accompanying resolution receiving and accepting the final cost for the Marquette and 2nd Ave Reforestation Project, thereby closing the project and reallocating \$200,000 of excess Net Debt Bonds to the Marquette Ave S and 2nd Ave S Reconstruction Projects;
- b) Passage of the accompanying resolution requesting concurrence of the Board of Estimate and Taxation in the reallocation of the Net Debt Bonds;
- c) That the proper City officers be authorized to execute Amendment No 2 to Contract C-25901 with Shafer Contracting, increasing the maximum billing amount from \$20,235,598 to \$21,035,364, to allow for additional work due to changed conditions not provided for in the original scope of the contract; and
- d) That the proper City officers be authorized to execute a third amendment to Contract C-25901 with Shafer Contracting, for an amount not to exceed \$300,000, to ensure the project is completed by the federally mandated December 31, 2009 deadline. No additional appropriation required.

Adopted 11/13/2009.

Absent - Remington.

RESOLUTION 2009R-554 By Colvin Roy and Ostrow

Amending The 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

That the final costs of all project work under the Paving Capital Fund (04100) described in the following project for the total amount specified be accepted and that the capital appropriation be adjusted as specified thereby closing the project:

Marquette & 2nd Ave Reforestation Project (04100-9010937-Project CPV054) for a total of \$0. Paving capital appropriation should be decreased by \$200,000 and excess Net Debt Bonds in the amount of \$200,000 shall be re-designated to the Marquette Ave and 2nd Ave Double Width Transit Lanes Projects (04100-9010937-Projects CPV052 and CPV053).

Adopted 11/13/2009.

Absent - Remington.

Resolution 2009R-555, requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds in the total amount of \$200,000, was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-555 By Colvin Roy and Ostrow

Requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds in the total amount of \$200,000.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to concur with the reallocation of already issued Net Debt Bonds in the total amount of \$200,000 from the Marquette & 2nd Ave Reforestation Project (04100-9010937-Project CPV054) as follows:

- \$100,000 to Marquette Ave Double Width Transit Lanes (04100-9010937 Project CPV052-Revenue Source 3846); and
- \$100,000 to 22nd Ave Double Width Transit Lanes (04100-9010937 Project CPV053-Revenue Source 3846).

Adopted 11/13/2009.

Absent - Remington.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept and execute the Environmental Projection Agency (EPA) contract for grant funds, as amended, in the amount of \$1,427,300 for the Combined Sewer Overflow (CSO) Program and Infiltration and Inflow Programs CSO 052, 054, and 055.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation and revenue for the projects, to be reimbursed by the EPA grant.

Adopted 11/13/2009.

Absent - Remington.

RESOLUTION 2009R-556 By Colvin Roy and Ostrow

Amending The 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Increasing the appropriation for the PW-Sanitary Sewer Fund (07100-9010932-Project SA036) by \$1,044,500 and increasing the revenue source (07100-9010932-Project SA036 Source 3210) by \$1,044,500, to be reimbursed by an EPA grant to be deposited into Fund 01300;
- b) Increasing the appropriation for the PW-Stormwater Fund (07300-9010932-Project SW005) by \$382,800 and increasing the revenue source (07300-9010932-Project SW005 Source 3210) by \$382,800, to be reimbursed by an EPA grant to be deposited into Fund 01300; and
- c) Increasing the appropriation for the PW-Surface Waters and Sewers in the Federal Grant Fund (01300-9010932) by \$1,427,300 and increasing the revenue source (01300-9010932 Source 3210) by \$1,427,300, to be reimbursed by an EPA grant to be deposited into Fund 01300.

Adopted 11/13/2009.

Absent - Remington.

T&PW & W&M/Budget - Your Committee, having under consideration the Marquette Ave and 2nd Ave Transit Shelters Project, now recommends that the proper City officers be authorized to increase Contract C-26885 with Meisinger Construction by \$125,000 to allow for shelter construction change orders.

Your Committee further recommends that the proper City officers be authorized to increase Contract C-25499 with URS Corp by \$192,000 for design, field work, and construction management related to the bus shelters.

Adopted 11/13/2009.

Absent - Remington.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to negotiate and enter into Road Maintenance Agreement No PW 10-20-09 between Hennepin County and the City of Minneapolis, effective January 1, 2010 through December 31, 2012, providing reimbursement for routine maintenance on certain County State Aid routes and bridges in the City of Minneapolis.

Adopted 11/13/2009.

Absent - Remington.

Resolution 2009R-557, entering into an agreement between Hennepin County and the City of Minneapolis reimbursing the City for providing routine maintenance on certain County State Aid routes and bridges in the City of Minneapolis, effective January 1, 2010 through December 31, 2012, was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-557 By Colvin Roy and Ostrow

Entering into an agreement between Hennepin County and the City of Minneapolis reimbursing the City for providing routine maintenance on certain County State Aid routes and bridges in the City of Minneapolis, effective January 1, 2010 through December 31, 2012.

Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis enter into Proposed Road Maintenance Agreement No PW 10-20-09 with Hennepin County to provide reimbursement to the City for the costs of providing the necessary maintenance services for the roadway system including snow and ice control on downtown roadways, patching and minor repair of downtown streets, street sweeping, rubbish removal, and turf maintenance; maintenance of bridges including surface flushing, street sweeping, snow/ice control on bridge sidewalks, rubbish removal, and bridge roadway and waterway navigation lights; maintenance of traffic

signal system including poles, heads, loops, cabinets, controllers and associated crash or vandalism damage; and maintenance of traffic signs and markings except for linear lane pavement striping, and other activities.

Be It Further Resolved that the total amount of this agreement for 2010 is estimated at \$998,199. Be It Further Resolved that the amount of reimbursement for the years 2011 and 2012 be determined by the three year moving average method.

Be It Further Resolved that the Mayor and the Finance Officer are authorized to execute the Agreement.

Adopted 11/13/2009.

Absent - Remington.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to prepare and execute amendments to City Contracts 015058 and 015059 with NRG Energy Center to allow up to two five-year extensions of said contracts to supply steam/chilled water to the Federal Courthouse and 10th and Hennepin parking ramps.

Adopted 11/13/2009.

Absent - Remington.

T&PW & W&M/Budget - Your Committee, having under consideration the Franklin Avenue (CSAH 5) and East River Parkway Intersection Study, now recommends approval of the Plan Concept for the intersection.

Your Committee further recommends that the proper City officers be authorized to amend agreement No A06-20-09 with Hennepin County to increase cost sharing participation by \$13,899.50 for the intersection of Franklin Ave S and East River Pkwy study and preliminary design. No additional appropriation is necessary; funding is available within the current CSAH budget in CPV804.

Adopted 11/13/2009.

Absent - Remington.

T&PW & W&M/Budget - Your Committee, to whom was referred an ordinance amending Appendix G of the Minneapolis Code of Ordinances relating to *Bus Stop Shelters Franchise*, authorizing the execution of an interim franchise extension with CBS Outdoor, from November 9, 2009 to April 1, 2010, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/13/2009.

Absent - Remington.

Ordinance 2009-Or-181 amending Appendix G of the Minneapolis Code of Ordinances relating to *Bus Stop Shelters Franchise*, authorizing the execution of an interim franchise extension with CBS Outdoor from November 9, 2009 to April 1, 2010, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-181
By Colvin Roy and Ostrow
Intro & 1st Reading: 10/30/2009
Ref to: T&PW
2nd Reading: 11/13/2009

Amending Appendix G of the Minneapolis Code of Ordinances relating to Bus Stop Shelters Franchise.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Appendix G of the above-entitled ordinance be amended to read as follows:

An ordinance granting a franchise to Transtop of Minnesota, Inc CBS Outdoor, to own, operate and maintain shelters for transit passengers in the City of Minneapolis, Minnesota, setting forth conditions accompanying the grant of franchise and providing for the regulation and use of said shelters and the advertising placed thereon.

WHEREAS, the City of Minneapolis has, following reasonable notice, conducted a public hearing and public negotiation affording all persons reasonable opportunity to be heard, which proceeding was concerned with the analysis and consideration of the technical ability, financial condition, legal qualifications and general character of the franchisee; and

WHEREAS, the City of Minneapolis after such consideration, analysis and deliberation, has approved and found sufficient the technical capabilities, financial condition, legal qualification and character of said franchisee;

NOW, THEREFORE, the City Council of the City of Minneapolis do ordain as follows: That there is hereby created, granted and established a franchise for a period of ten (10) years for the construction, operation and maintenance of shelters for transit passengers with commercial advertising displayed thereon within the City of Minneapolis to Transtop of Minnesota, Inc. CBS Outdoor.

Section 1. Title. This ordinance shall be known and may be cited as the "Bus Stop Shelters Franchise," hereinafter "franchise," and it shall become a part of the ordinances of the City.

Section 2. Definitions. The following terms shall mean:

- 2.1 City: The City of Minneapolis, Minnesota, a municipal corporation.
- 2.2 Company: Transtop of Minnesota, Inc. CBS Outdoor
- 2.3 Council: The City Council of the City of Minneapolis.

Section 3. Grant. The City hereby grants to the Company a nonexclusive bus stop shelter franchise subject to all the terms and conditions as herein provided.

Section 4. Rights and privileges of company. The franchise granted by the City pursuant to this ordinance shall grant to the Company the right and privilege to construct, operate and maintain upon the public right-of-way of streets and highways within the City, at such locations as may be designated by the City, shelters with advertising displayed thereon on the terms and conditions hereinafter set forth.

Section 5. Agreement. Upon adoption of this franchise and execution hereof by the Company, Company agrees to be bound by all the terms and conditions contained therein.

The Company also agrees to provide all services set forth in its application and by its acceptance of the franchise the Company specifically agrees that the invitation for applications and the Company's application are thereby incorporated by reference and made a part of the franchise and this ordinance. In the event of a conflict between the application of the Company and the provisions of this ordinance, that provision which provides the greatest benefit to the City, in the opinion of the Council, shall prevail.

Section 6. Term; renewal. The term of the franchise granted by the City pursuant to this ordinance for a minimum of one hundred ninety (190) shelters shall be for a period of ten (10) years from and after the effective date hereof. Thereafter, the franchise may be renewed for an additional ten-year term on such terms and conditions as may be mutually acceptable to the City and Company.

The term of the franchise shall be renewed and extended from November 9, 1989 to November 8, 1999. The franchise may be renewed for an additional ten (10) years from November 9, 1999 to November 8, 2009, by written agreement of the City and Company; provided, that a refusal by either party to renew the franchise shall be based on clearly reasonable grounds, including the refusal of either party to agree upon modifications to this ordinance that are reasonably requested by the other party; however, neither party shall require as a condition of such renewal the amendment of any provision of this ordinance relating to the franchise fee, unless the reasonable financial or performance expectations of such party have been substantially unmet during the term of the franchise.

The term of the franchise shall be renewed and extended from November 9, 2009 to April 1, 2010, by written agreement of the City and Company; provided, that all franchise provisions in place up to and including November 8, 2009 shall carry over through April 1, 2010.

Section 7. Commencement of term. The franchise term shall commence with the adoption of this ordinance, provided that the Company has filed within thirty (30) days after publication of the ordinance, a written acceptance with the City Clerk in such form as the City Attorney may prescribe, and provided further that the bond, the evidence of comprehensive liability insurance and letter of credit,

which are required by this ordinance, shall have been filed and approved by the City Attorney within ninety (90) days after the publication of the ordinance.

Section 8. Area. This franchise is granted for the entire area of the City of Minneapolis as it exists and as its borders may from time to time be changed.

Section 9. Police powers. In accepting this franchise, the Company acknowledges that its rights hereunder are subject to the police power of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public; and it agrees to comply with all applicable general laws and ordinances enacted by the City pursuant to such power.

Section 10. Other franchises. No bus stop shelters with advertising displayed thereon shall be allowed to occupy or use the right-of-way of any street or highway within the City of Minneapolis without a franchise. This shall not, however, include shelters constructed by the Metropolitan Transit Commission (MTC). The rights hereby granted are not exclusive and the City may grant like rights to other persons during the term of this franchise.

Section 11. Notices. All notices from Company to the City pursuant to this franchise shall be to the City Engineer unless otherwise stated herein, or to any other officer of the City designated by the Council. Company shall maintain within the metropolitan area, throughout the term of this franchise, an address for service of notices by mail. Company shall also maintain within the metropolitan area, a local office and telephone number for the conduct of matters related to this franchise during normal business hours.

Section 12. Fee for franchise; minimum fee. (a) In consideration of the rights granted the Company by this franchise, the Company agrees to pay the City a fee based upon the annual gross revenues that the Company derives from advertising on shelters located within the City in accordance with the following schedule:

- (1) Twelve (12) percent for the remainder of 1989.
- (2) Six (6) percent in 1990.
- (3) For 1991 and thereafter the following percentages of annual gross revenues:
 - a. If annual gross revenues are less than seven hundred thousand dollars (\$700,000.00): Six
 (6) percent.
 - b. If annual gross revenues are seven hundred thousand dollars (\$700,000.00) or more, but less than nine hundred thousand dollars (\$900,000.00): Eight (8) percent.
 - c. If annual gross revenues are nine hundred thousand dollars (\$900,000.00) or more, but less than one million one hundred thousand dollars (\$1,100,000.00): Ten (10) percent.
 - d. If annual gross revenues are one million one hundred thousand dollars (\$1,100,000.00) or more, but less than one million four hundred thousand dollars (\$1,400,000.00): Twelve (12) percent.
 - e. If annual gross revenues are more than one million four hundred thousand dollars (\$1,400,000.00): Thirteen (13) percent.

Notwithstanding subsection (3) above, the franchise fee for the years 2000, 2001 and 2002 shall be no less than twelve (12) percent, and shall be thirteen (13) percent for 2003 through 2009 2010.

By renewing this franchise from November 9, 1999 to November 8, 2009 April 1, 2010, the company guarantees that the franchise fee paid to the City, after adjustment for credits allowed to the company, shall be at least one hundred thousand dollars (\$100,000.00) each for the years 2000, 2001 and 2002, and, at least one hundred ten thousand dollars (\$110,000.00) each for the years 2003 through 2009 2010. If necessary, the fee payable for the final quarter of any year in which said minimum guarantee applies shall be computed and adjusted as provided in subsection (b) of this section so that no less than the minimum guaranteed fee shall be paid to the City with respect to any year.

(b) The fee shall be paid to the City quarterly within thirty (30) days after the expiration of each calendar quarter. Each payment shall be based upon the gross revenues received in the calendar quarter immediately preceding the day of payment, except in the case of the last payment when the fee shall be paid within thirty (30) days after the expiration, termination or cancellation of the contract. The quarterly fee payment due shall be determined by multiplying the gross revenues for the quarter by that percentage that would be applied under subsection (a) assuming that the annual gross revenues will be four (4) times the gross revenues for the first quarter, two (2) times the revenue for the first and

second quarters cumulatively, and one and one-third (1 1/3) times the revenue for the first, second and third quarters cumulatively. The fee payment due for the final quarter of the year shall be computed and adjusted, so that the total annual fee paid will be correct, applying the applicable percentage set forth in subsection (a) to the actual gross revenues for the entire year.

- (c) The gross revenue is defined as all advertising revenue derived directly or indirectly by the company, its affiliates, subsidiaries, parent or any person in which the company has a financial interest, from or in connection with the operation of the franchise prior to any deduction; provided, however, that this shall not include any taxes on services furnished by the Company herein imposed directly upon any advertiser by the City, state or other governmental unit and collected by the Company on behalf of said governmental unit.
- (d) The company shall receive a credit against the franchise fee equal to ten (10) percent of that portion of its annual Minneapolis shelter maintenance costs that exceeds the maintenance ceiling amount. The maintenance ceiling amount shall be eighty-four thousand dollars (\$84,000.00) for 1990 and shall be adjusted for 1991 and annually thereafter in a percentage equal to annual increases in the consumer price index (CPI). The shelter maintenance costs shall include the unrecovered cost of repairs made to Minneapolis shelters due to damage and vandalism. The credit shall be applied first to the portion of the franchise fee that is payable for the first quarter of the calendar year following the year that the credit accrues, beginning with the portion of maintenance costs incurred in 1990, if any, to be credited against the first quarterly payment of 1991. Any portion of a credit that cannot be used because insufficient fee payments are due may be carried over to be applied against fee payments with respect to the ensuing quarters of the same year, but may not be carried over to be applied against fee payments for ensuing years. Under no circumstances shall the credit allowed the Company hereunder result in any obligation of the City to pay or reimburse the Company for any shelter maintenance costs, nor shall such credit entitle the Company to set off such costs against any monetary or nonmonetary obligations or duties owed by the Company to the City other than the franchise fee. The maintenance ceiling amount shall be set at one hundred six thousand four hundred eighty dollars (\$106,480.00) for the year 2000 subject to annual adjustment for 2001 and thereafter in a percentage equal to annual CPI adjustments.

Section 13. Accounts and records. The Company shall keep books of account and records of all business transacted and costs incurred in connection with the purchase, manufacture and installation of the shelters and advertising on shelters, showing all financial transactions including receipts and disbursements and the particulars thereof in a form satisfactory to the City Comptroller-Treasurer. Company shall make such books of account and records available at all reasonable times for inspection, examination or audit by city officers, employees or agents. Company shall submit such statements in regard to revenue as the City Comptroller-Treasurer may reasonably require.

The Company shall file annually with the City Comptroller-Treasurer, no later than one hundred twenty (120) days after the end of the Company's fiscal year, a copy of a financial report applicable to the Minneapolis bus shelter system, including an income statement relating to its operations during the fiscal year and a balance sheet, both of which shall be certified as correct by an independent certified public accountant, and a statement of its properties, equipment and facilities which are located upon the streets, highways and public places within the City giving its investment in such facilities on the basis of original cost less applicable depreciation. These reports shall be certified as correct by an authorized officer of the Company and there shall be submitted along with them such other reasonable information as the City shall request with respect to the Company's facilities and expenses related to its bus stop shelter system operations within the City.

The Company shall also file with the City Clerk copies of its articles of incorporation, bylaws, agreements with any other person relating to the ownership of the bus stop shelter system, and amendments of such documents as they become effective.

Section 14. Insurance. The Company shall, during the entire term of the franchise, maintain in force, at its own expense, a policy of comprehensive liability insurance approved by the City Attorney, to be filed and maintained with the City Clerk. The insurance policy shall insure the City, members of its boards and commissions and its officers and employees, and the Company from all liability on account of injuries, death or damage to any person or persons and damage to property arising out of or resulting from or in connection with the construction, operation, maintenance, location, placement

or removal of any shelter or other facility of the Company, or occasioned by any of the activities of the Company, its officers, agents or employees under this franchise. Minimum liability limits under the policy are to be two hundred thousand dollars (\$200,000.00) for bodily injury or death of any one (1) person; six hundred thousand dollars (\$600,000.00) for bodily injury or death of more than one (1) person in a single occurrence; and two hundred thousand dollars (\$200,000.00) for property damage to one (1) claimant and six hundred thousand dollars (\$600,000.00) for more than one (1) claimant in a single occurrence.

The policy shall be of a type in which coverage is restored immediately after the occurrence of any loss or accident from which liability may thereafter accrue. The policy shall contain an endorsement which shall provide that no cancellation shall become effective without thirty (30) days' prior notice in writing to the City of intent to cancel or not to renew. In the event such insurance is canceled and the Company shall fail to immediately replace it with another equivalent policy, the City may terminate the franchise and declare it to be forfeited.

Section 15. Indemnification. (a) The Company shall fully indemnify, defend and save harmless the City, its officers, boards, commissions and employees from any and all claims, suits, actions, liability and judgments for damages (including but not limited to expenses for reasonable legal fees and disbursements assumed by the City in connection therewith):

- (1) For injury or death to any person or persons or damage to property arising from or in connection with the acts of the Company, its officers, agents or employees in the construction, operation, maintenance, location, placement or removal of any bus stop shelter or other facility of the Company;
- (2) Arising out of the placement or display of any advertisements, notices, signs or posters on any shelter; or
- (3) Arising out of the exercise of any other right or privilege under the franchise.
- (b) In the event that suit is brought or that damages or other recourse shall be sought against the City, either independently or jointly with the Company on account of or arising out of any injury, death, property damage or activity of the Company referred to in subparagraph (a) of this section, the Company, upon notice by the City, shall defend the City in such suit or action at the cost of the Company, and in the event of final judgment being obtained against the City, either independently or jointly with the Company, the Company shall indemnify the City and pay such judgment with all costs and hold the City harmless therefrom. The Company shall pay all expenses incurred by the City in defending itself with regard to all damages and liability referred to in this section. Nothing herein shall be deemed to prevent the City from participating in the defense of any litigation by its own counsel at its own sole cost and expense.

Section 16. Assignment or transfer. (a) The franchise shall not be sold, assigned or transferred, either in whole or in part, or leased, sublet, or mortgaged in any manner, nor shall title thereto, either legal or equitable or any right, interest or property therein, pass to or vest in any person without the prior consent of the City Council. Any assignee, lessee, mortgagee and any person or entity having or acquiring any interest, right or title in or to the facilities that are installed or operated hereunder must show financial responsibility as determined by the City and agree to comply with all provisions of the franchise. Any document by which any interest, right or title to the franchise or the facilities that are installed or operated hereunder are transferred to or vested in any person shall, by its terms, be expressly subordinate to the terms and conditions of the franchise.

(b) The Company shall promptly notify the City by certified mail, return receipt requested, of any actual or proposed change in, or transfer of, or acquisition by any other party of, control of the Company or the facilities installed hereunder. The word "control" as used herein is not limited to major stockholders but includes actual working control in whatever manner exercised. Any transfer, sale or assignment of the franchise, or control of the company, or facilities that are installed or operated hereunder shall be cause for forfeiture of the franchise unless and until the City shall have consented thereto, which consent shall not be unreasonably withheld. The City shall be deemed to have consented to a transfer or acquisition of stock in the Company unless the City disapproves the same within thirty (30) days after it receives notice of any proposed or actual transfer of stock or notifies the Company within thirty (30) days that additional time is necessary to consider the matter. The Company shall,

when it files its acceptance of this franchise, also file a list of its stockholders, all agents or nominees of the Company, and all persons having a beneficial interest therein stating the nature of such interest.

Section 17. Locations. No shelter shall be placed upon the public street or highway right-of-way until the following procedure has been accomplished and the location has been approved by the Council:

- (a) The Company shall give written notice to abutting property owners at least ten (10) days prior to the date set for public hearing and furnish them with a site plan upon their request.
- (b) The Company shall print, in a newspaper of general circulation in the City of Minneapolis, at least ten (10) days prior to the date set for public hearing, notice of such public hearing.
- (c) The Company shall submit to the City Engineer, and any other public body that the Engineer may designate a site plan, a description of how electrical service will be provided and any unique shelter design required to accommodate the shelter to the location, and any other information the City Engineer may require. No shelter may be placed upon the public right-of-way unless the site plan is approved by the City Engineer.
- (d) The Company shall notify all utility locators and submit to the City Engineer proof that such notice has been given.
- (e) The Company must obtain all building and other required permits from the City or any other agency of government as the law requires, including a permit from the proper road authority if other than the City.

The Council shall, through a designated committee, hold a public hearing with regard to the approval of all locations. All locations and installations must conform to the Zoning Ordinance of the City.

Section 18. Performance bond. Within ninety (90) days after the publication of this ordinance, the Company shall file with the City Clerk a performance bond in the amount of two hundred thousand dollars (\$200,000.00) in favor of the City. The bond shall be maintained throughout the term of the franchise and until the Company shall have liquidated all of its obligations with the City. In the event the Company fails to comply with any law, ordinance or regulation governing the franchise or fails to well and truly observe, fulfill and perform each term and condition of the franchise, including the Company's application which is incorporated as though fully set out herein, there shall be recoverable, jointly and severally, from the principal and surety of the bond, any damages or loss suffered by the City as a result, including the full amount of any compensation due the City, indemnification for the cost of removal and storage of any shelter, plus a reasonable allowance for attorney's fees, including the City's legal staff, and costs up to the full amount of the bond.

The bond shall also be conditioned upon the removal at the expiration or termination of the franchise of the Company's shelters and the restoration of the streets and public places of the City to their former condition. The bond shall contain an endorsement that no cancellation shall be effective until ninety (90) days after receipt by the City Clerk of a written notice of intent to cancel or not to renew sent by certified mail, return receipt requested. No cancellation shall be effective if the surety has received notice by the City of the Company's default. The bond may not be canceled and shall remain in effect in the period commencing at the expiration or termination of the franchise and for three hundred sixty-five (365) days thereafter.

From and after July 28, 1986, the required amount of the performance bond shall be fifty thousand dollars (\$50,000.00).

Section 18A. Optional letter of credit. In lieu of the performance bond required under Section 18, the Company may elect to give the City a letter of credit for fifty thousand dollars (\$50,000.00) issued by a bank in the metropolitan area. The letter of credit shall provide that it may be drawn upon under the same circumstances as a surety would be subject to a claim under its bond as provided in section 18 with respect to the performance bond, except that the letter of credit shall be subject to a draw without any previous demand upon, or notice to the Company. The letter of credit shall also be subject to a draw if it is effective for a limited term and is not replaced by a replacement letter of credit at least thirty (30) days before expiration. The letter of credit shall also be in a form approved by the City Attorney and shall be on file with the City Clerk and remain so until three hundred sixty-five (365) days after the expiration or termination of the franchise.

Section 19. Reserved.

Section 20. Removal of shelter. (a) The Council may order Company to remove any shelter when it reasonably determines that it is no longer of any benefit to the public, when there is no longer a bus stop at the location or when it finds that maintenance is inadequate under Section 23 herein. If the City requires removal of a bus shelter because of relocation of all or part of a bus route, because of inadequate maintenance, or because if it is no longer of any benefit to the public, the City shall give the Company thirty (30) days after written notice to remove the shelter.

- (b) If a shelter must be temporarily removed for construction done by any governmental unit or its contractor, Company shall, after being given two (2) weeks' written notice, remove the shelter. If the company fails to remove the shelter within said two-week period, the city may cause the shelter to be removed. The City may also, upon two (2) weeks' written notice, order the Company to temporarily remove a shelter for an abutting owner's construction at such owner's expense.
- (c) Except as provided in subsection (b), if the Company fails promptly to remove a shelter when ordered to do so by the City Engineer or Council, the City may have the shelter removed within thirty (30) days after written notice to the Company, and the Company shall pay the cost of removal or storage thereof.
- (d) If the City requires the permanent or temporary removal of more than four (4) shelters in one (1) calendar year, the City shall grant a credit of eight hundred dollars (\$800.00) per shelter for each such removal above four (4). If the City, through its forces or contract forces, provides the electrical conduit work and concrete work needed to relocate a removed shelter, no credit shall be due for that removal. The credit shall be credited against the franchise fee when the quarterly franchise fee is paid to the City with respect to the first quarter of the following year, commencing in 1991. The credit for removal costs shall be readjusted annually to reflect any increase in the consumer price index (CPI). There shall, however, be no credit with respect to shelters ordered removed for inadequate maintenance, for abutting owners' construction, or for construction by or for any governmental unit other than the city, nor with respect to shelters ordered to be removed by the city because of the discontinuance or relocation of bus stops by metro transit or its successor. No credit shall be granted for removal of any shelter unless the company gives notice to the city of its intention to claim the credit and the city engineer or his designee authorizes the credit prior to or within sixty (60) days after the removal of the shelter, which authorization shall not be unreasonably withheld. If there is a non-city governmental construction project, the City of Minneapolis shall use its best efforts to inform the other governmental unit as early as possible in the project to work with the company to have the removal and relocation expenses covered by the governmental unit doing the project. No part of this ordinance shall be deemed to prohibit the company from obtaining moving expense reimbursement from any entity other than the city.

Section 21. City Engineer to regulate installation. The City Engineer shall regulate the installation of shelters and if, in the opinion of the City Engineer, the shelter installation is hazardous the Council may order the Company to take necessary steps at its own cost to remove or relocate the shelter or make the necessary repairs to correct the hazard. The City Engineer has the right to conduct reasonable inspections of shelters for this purpose.

In regulating the installation of shelters, the City Engineer shall regulate the size of shelters installed, its orientation or placement on the site, and any preparatory or remedial site work. When the City has approved a site plan, the Company shall submit detailed amended plans showing any discrepancies between the site plan approved and the work completed.

Section 22. City may require shelters; installation schedule. The City may require the Company to install shelters at such locations [as] it may designate within the City and may require the Company to take the procedural steps necessary for the approval of such locations as specified in Section 17 herein within thirty (30) days after it designates such location or locations.

Shelters shall be installed at a location within three (3) months after the location is approved by the Council; provided, however, that the Company shall not be required to install more than one hundred (100) shelters in any three-month period.

The months of December, January, February and March shall not be included in determining either three-month period. If the Company establishes that the cost of maintaining a shelter during any sixmonth period exceeds the actual costs of installing the shelter the Company shall not be required to keep and maintain a shelter at such location; otherwise no shelter may be removed from an approved

location without the consent of the Council. The City shall not permit any other bus stop shelter franchisee to install a shelter within one (1) block of a shelter installed and maintained by the Company.

Section 23. Maintenance. The Company will maintain all shelters to the reasonable satisfaction of the City Engineer as set out below. Maintenance includes cleaning and washing the entire shelter inside and out, removal of graffiti, stickers, posters, notices, and the like, removal of litter, weeds and grasses inside and adjacent to the shelter, repair and replacement of damaged or broken parts, the supply of replacement parts, replacement of burned-out lighting fixtures, the supply of electrical energy, and clearing snow from inside the shelter, and cleaning snow, dirt and debris in the area between the shelter and the curbline. The Company shall clean and wash and remove graffiti, stickers, posters, litter and weeds at each shelter at least twice every month, or more frequently if required, to keep each shelter free of any noticeable accumulation of dirt, dust marks, stickers, posters, litter or weeds. The Company shall clean any accumulation of snow from inside the shelter and from the area between the shelter and the curbline within forty-eight (48) hours after a snowfall of four (4) inches or more.

The Company shall inspect each shelter at least once every four (4) calendar days for any damaged or broken parts or burned-out lighting fixtures and the Company shall repair or replace damaged or broken parts and burned-out lighting fixtures within twenty-four (24) hours after the Company becomes aware of the damage, breakage or burnout.

Section 24. Advertising. The Company shall limit advertising to one-third of the area of the vertical surface of the shelter and all such advertising must be displayed on one (1) or both sides of a single panel of the shelter, which panel shall not be larger than four (4) feet by six (6) feet in dimension. The Company shall not permit obscene, immoral or indecent advertising. The company shall not display advertising for the election campaigns of candidates for the offices of Minneapolis mayor or council member, but may, in its discretion, display other political advertisements. The Company shall not allow more than thirty (30) percent of the Company's combined total advertising space on all shelters in the City to pertain to tobacco or alcoholic beverage products at any time. The Company shall not place any alcoholic beverage advertising within five hundred (500) feet of any church, school or playground. The Company, in accepting this franchise, agrees to remove any advertising which the Council determines to be inappropriate to the particular location or surroundings of the shelter or inappropriate as a use of the public street right-of-way. The Company shall provide equal access to all advertisers at reasonable rates. The Company shall, upon notice, remove any advertisement of a private company or a commercial product or service that has been placed or displayed on a shelter on the same street and within one (1) city block of any property owned or leased by a company which is in competition with, or which, as its principal and primary business, markets a product or service which is in competition with the company, product or service which is advertised.

Advertising may be placed on shelters only in accordance with the Minneapolis Zoning Ordinance. **Section 25. Forfeiture**. (a) The City shall, in addition to any other rights it may have, have the right to declare that the Company has forfeited the franchise in the event of a substantial breach of its terms and conditions including, but not limited to, the following circumstances:

- (1) If the Company becomes insolvent or is declared bankrupt or makes any assignment for the benefit of its creditors; or
- (2) If the Company assigns or transfers or attempts to assign or transfer the franchise, or sells or leases or attempts to sell or lease any of its shelters without the Council's permission; or
- (3) If the Company fails to install shelters on schedule as required in Section 22 of this ordinance, or fails to conform to the specifications contained in its application or the invitation for applications, or fails to construct the shelters in a workmanlike manner to the satisfaction of the City Engineer and in conformity with this ordinance, or if the Company refuses or neglects when so ordered to take down, rebuild or repair any defective or unsatisfactory work or to maintain the shelter as required under Section 23 herein; or
- (4) If the Company fails to remove any shelter when ordered to do so in accordance with this ordinance; or
- (5) If the Company refuses or neglects to comply with any reasonable order of the City Engineer; or

- (6) If the Company persists in any course of conduct in violation of any of the provisions of this ordinance; or
- (7) If the City receives notice of intention not to renew or the Company fails to keep in force its insurance, bond and letter of credit required herein.

The foregoing shall not constitute a substantial breach if the breach occurs as a result of circumstances over which the Company has no control. The Company shall not be excused by mere economic hardship nor by the neglect of its officers, agents or employees.

- (b) The City Engineer may make a written demand by certified mail, that the Company comply with any such provision, rule, order or determination under or pursuant to this franchise. Such notice shall be entitled "Forfeiture and Termination Notice." If the violation by the Company continues for a period of thirty (30) days or more following such written demand, without having been corrected or remedied, the matter of forfeiture and termination of the franchise shall then be taken before the City Council. The City shall cause to be served upon the Company at least twenty (20) days prior to the date of such council meeting a written notice of intent to terminate the franchise, including the time and place of the meeting. Public notice shall be given of the meeting and issue which the Council is to consider. The City Council, or a committee thereof, shall hear and consider the issue and the Council shall, in its discretion, determine whether there has been a substantial breach. If the Council determines that there has been a substantial breach, the Company shall have such period of time as the Council may set, but not less than thirty (30) days in which to cure the breach, provided that no opportunity for cure need be given for fraud or misrepresentation. At the expiration of the period of time set for compliance, the Council may terminate the franchise forthwith upon finding that the Company has failed to cure the breach. If the Company fails to cure, the City or any stockholder of the Company may cure and the expense incurred shall be a debt of the Company to the stockholder or the City, as the case may be.
- (c) In the event of forfeiture, the Company shall also forfeit to the City all equipment and facilities that may be located along, over or under any street or highway within the City, unless such property is removed by the Company within ninety (90) days from the date of forfeiture. The performance bond posted in accordance with Section 18 shall remain posted to insure that the streets, highways and public places from which such equipment is removed shall be placed in good condition.
- **Section 26.** Disposition of shelters on expiration of franchise. (a) In the event that the franchise expires and is not renewed, the City may purchase the shelters and facilities then in place upon such terms and for such consideration as may be agreed to by the City and the Company prior to the expiration of the franchise. If prior to the expiration of the franchise or within ninety (90) days following such expiration the City elects to award a franchise to any other person or company, and the City elects to have the new franchisee operate and maintain the shelters which have been installed pursuant to this franchise, then the new franchisee shall purchase such shelters on such terms and for such consideration as may be agreed to by the new franchisee and the Company.
- (b) Notwithstanding the provisions of paragraph (a) of this section, in the event that the term of this franchise expires and the City and Company have not renewed the franchise for an additional term, the Company shall at its own expense remove all of the shelters and facilities which it has installed or caused to be installed upon or below the public streets and highways or public places of the City and shall restore the streets and highways of the City to their former condition in a manner satisfactory in the judgment of the City Engineer. If the Company fails to remove all such shelters and facilities within ninety (90) days after the expiration of the franchise, the City may have the shelters and facilities removed and require the Company to pay the cost of such removal. In the event that the shelters and facilities have not been sold pursuant to paragraph (a) of this section or removed by the Company, all right and title to the shelters shall be deemed to have passed to and vested in the City. The Company agrees that in such circumstances it will execute such documents as the City Attorney may require to transfer the title to such shelters and facilities.

Section 27. Right of abutting property owner to construct shelter. Abutting property owners shall have the first right and privilege to construct, operate and maintain shelters upon the public right-of-way of streets and highways of the City, at locations on or adjacent to the property of the owner. The abutting property owner shall give written notice to the Council and the Company of its election to construct a shelter at a given location no later than the date of the public hearing for the location of any shelter. If the abutting property owner so elects, the Company may not construct a shelter at that

location unless the abutting property owner consents in writing or fails to take affirmative measures to construct the shelter within ninety (90) days of its election. By electing to exercise its aforementioned first right and privilege, the abutting owner agrees to:

- (a) Permit no advertising on the shelter;
- (b) At all times maintain insurance pursuant to the terms of Section 14 of this ordinance;
- (c) Acknowledge that its rights are subject to the police power of the City pursuant to Section 9 of this ordinance;
- (d) Defend, indemnify and hold harmless the City, its officers and employees according to the terms and conditions of Section 15 of this ordinance;
- (e) Submit all plans, specifications and drawings to the City Engineer for approval prior to commencement of construction of the shelter. The City Engineer shall regulate the installation of the shelters pursuant to Section 21. If the structural design of the shelter is similar to the structural design of the Company's shelter, the City Engineer shall require for his approval that the design, plans and engineering specifications be at least substantially equivalent in quality to those of the Company's shelters:
 - (f) Maintain its shelter pursuant to Section 23 of this ordinance.

In the event the abutting owner fails to comply with any of the terms and conditions hereof, the City may require the owner to remove the shelter at its own expense.

Section 28. Civil rights. The Company shall at all times comply with the provisions of Chapter 139 of the Minneapolis Code of Ordinances and applicable state and federal law regarding nondiscrimination and civil rights.

Section 29. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Adopted 11/13/2009.

Absent - Remington.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends approval of the December 2009 utility billing insert on behalf of the Regulatory Services Department providing information about pet licensing and announcing the availability of online pet licensing.

Adopted 11/13/2009.

Absent - Remington.

W&M/Budget - Your Committee, having under consideration changes to the City's Financial Policies, now recommends that the proper City officers be authorized to amend said policies to eliminate conflicting language and to expand the independent board recoupment policy (Petn No 273898).

Ostrow moved that the report be postponed for 1 cycle (December 4, 2009). Seconded.

Adopted 11/13/2009. Yeas, 9; Nays, 3 as follows:

Yeas - Samuels, Gordon, Ostrow, Schiff, Glidden, Benson, Goodman, Hodges, Lilligren.

Nays - Hofstede, Colvin Roy, Johnson.

Absent - Remington.

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the City's Finance Officer to accept bids and award General Obligation Tax Increment Refunding Bonds for the Target Center in compliance with applicable Minnesota Statutes.

Adopted 11/13/2009.

Absent - Remington.

Resolution 2009R-558, entitled "Authorizing the sale and issuance of General Obligation Tax Increment Refunding Bonds (Target Center Project); establishing the forms, terms, and security of such obligations; and making findings and provide covenants and directions relating to the issuance of such obligations", was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-558 By Ostrow

Authorizing the sale and issuance of General Obligation Tax Increment Refunding Bonds (Target Center Project); establishing the forms, terms, and security of such obligations; and making findings and providing covenants and directions relating to the issuance of such obligations.

Resolved by The City Council of The City of Minneapolis:

SECTION 1. BACKGROUND.

- **1.01.** The Project. On December 20, 1985, the City Council of the City of Minneapolis (the "City") approved the development program (the "Development Program") for a development district then designated as Development District No. 58 (Laurel Village). Amendment No. 1 to the Development Program, approved by the City Council of the City on October 24, 1986, changed the designation of the district to Development District No. 58 (Greater Hennepin Avenue) (the "Development District") and expanded the boundaries of the Development District. The Development District was established under Minnesota Statutes, Sections 469.124-469.134, as amended (the "Development District Act").
- **1.02.** Tax Increment Financing District. By Resolution No. 87R-255, adopted by the City Council of the City on June 12, 1987, the City approved: (i) the creation by the Minneapolis Community Development Agency (the "MCDA") of a tax increment financing district, designated NBA Arena Tax Increment Financing District (the "Tax Increment District"); (ii) the adoption of Amendment No. 2 to the Development Program; and (iii) the adoption of the NBA Arena Tax Increment Finance Plan (the "Tax Increment Plan"). The Tax Increment District was created and the Tax Increment Plan was adopted pursuant to the provisions of Minnesota Statutes, Section 469.174-469.179, as amended (the "Tax Increment Act").
- 1.03. <u>Tax Increment Bonds</u>. On April 1, 1988, the City Council of the City adopted Resolution No. 88R-123 authorizing the issuance of its Taxable General Obligation Redevelopment Bonds (NBA Arena), Series 1988-A (the "Series 1988-A Bonds"), in the original aggregate principal amount of \$14,800,000. On July 1, 1989, the City Council of the City adopted Resolution No. 89R-303 authorizing the issuance of its Taxable General Obligation Redevelopment Bonds (NBA Arena), Series 1989-A, in the original aggregate principal amount of \$5,200,000. Tax increment revenues to be derived from the Tax Increment District were pledged on a parity basis to the Series 1988-A Bonds and the Series 1989-A Bonds. The Series 1988-A Bonds and the Series 1989-A Bonds are hereinafter referred to collectively as the "Tax Increment Bonds."
- **1.04.** The Development Agreement. The proceeds derived from the sale of the Tax Increment Bonds were provided to the MCDA to finance the acquisition and clearance by the MCDA of the land located within the Tax Increment District (the "Land"). Prior to the acquisition of the Land, the MCDA entered into a Second Amended and Restated Development Agreement, dated as of August 5, 1988 (the "Development Agreement"), among the MCDA, Northwest Racquet Swim & Health Clubs, Inc., a Minnesota corporation ("Northwest Racquet"), and the City. Pursuant to the terms of the Development Agreement, Northwest Racquet agreed to lease the Land from the MCDA under a ground lease,

construct on the Land a multipurpose sports facility, and secure the payment of the principal of and interest on the Tax Increment Bonds through base rent on the ground lease equal to the amount by which the debt service on the Tax Increment Bonds exceeds the tax increment revenues derived from the Tax Increment District.

- **1.05.** Land Development. The Land was leased to Northwest Racquet under a Ground Lease, dated August 5, 1988 (the "Ground Lease"), between the MCDA and Northwest Racquet. Northwest Racquet transferred its interest in the Ground Lease and its rights and obligations under the Development Agreement to Minnesota Arena Limited Partnership, a Minnesota limited partnership (the "Arena Partnership"). The Arena Partnership constructed a multipurpose sports facility (designated the "Target Center") on the Land principally to provide an arena for the National Basketball Association team and franchise, commonly known as the Minnesota Timberwolves, initially owned by Minnesota Professional Basketball Limited Partnership, a Minnesota limited partnership (the "Basketball Partnership").
- 1.06. Target Center Acquisition. In conjunction with the proposed sale of the Minnesota Timberwolves from the Basketball Partnership to Minnesota Timberwolves Basketball Limited Partnership, a Minnesota limited partnership (the "Team Owner"), the MCDA entered into a Target Center Purchase Agreement, dated as of March 1, 1995 (the "Purchase Agreement"), between the MCDA and the Arena Partnership, pursuant to which the MCDA acquired the Target Center from the Arena Partnership for a purchase price of \$54,600,000. (Certain private business interests transferred an additional \$1,400,000 to the Arena Partnership to induce the sale of the Target Center to the MCDA. Under the terms of the Purchase Agreement, this transfer of \$1,400,000 to the Arena Partnership was a condition to the sale of the Target Center to the MCDA.) The City and the MCDA financed the acquisition of the Target Center from the Arena Partnership through the sale of tax-exempt bonds. The City financed a portion of the cost of acquiring the Target Center through the issuance of its General Obligation Bonds (Arena Acquisition Project), Series 1995 (the "Series 1995 City Bonds"), in the original aggregate principal amount of \$72,000,000. The Series 1995 City Bonds were issued on March 23, 1995, pursuant to Resolution No. 95R-058, adopted by the City Council of the City and approved by the Mayor of the City on March 10, 1995, and a Trust Indenture, dated as of March 1, 1995 (the "Series 1995 City Indenture"), between the City and Wells Fargo Bank, National Association (formerly known as Norwest Bank Minnesota, National Association), as trustee (the "Trustee"). In addition, the MCDA financed a portion of the cost of acquiring the Target Center through the issuance of its Revenue Bonds (Arena Acquisition Project), Series 1995 (the "MCDA Bonds"), in the original aggregate principal amount of \$12,650,000, which are currently outstanding in the principal amount of \$8,595,000. The MCDA Bonds were issued on March 23, 1995, pursuant to Resolution No. 95-1282M, adopted by the Board of Commissioners of the MCDA and approved by the Mayor of the City on March 10, 1995, and an Indenture of Trust, dated as of March 1, 1995 (the "MCDA Indenture"), between the MCDA and the Trustee.
- **1.07.** Refunding Tax Increment Bonds. In conjunction with the acquisition of the Target Center, the City entered into an Escrow Agreement, dated as of March 1, 1995, between the City and the Trustee, to provide for the payment and the redemption and prepayment of the Tax Increment Bonds. The City deposited \$22,225,657.58 of the proceeds of the Series 1995 City Bonds with the Trustee and the Trustee acquired securities, the proceeds of which were applied to the redemption and prepayment of the Series 1988-A Bonds on March 1, 1998, and the redemption and prepayment of the Series 1989-A Bonds on March 1, 1999.
- 1.08. <u>Target Center Use Agreements</u>. In order to satisfy certain requirements of the parties, the Target Center was subdivided as follows: (i) a portion of the Land and the Target Center constituting the arena (the "Arena"); and (ii) a portion of the Land and the Target Center constituting the sports and health club (the "Health Club"). The MCDA entered into a Basketball Playing Agreement, dated as of March 1, 1995 (the "Playing Agreement"), between the MCDA and the Team Owner, under which the Team Owner agreed to play the home games of the Minnesota Timberwolves in the Arena during the

thirty-year term of the Playing Agreement. The MCDA entered into an Arena Operating Agreement, dated as of March 1, 1995 (the "Original Operating Agreement"), between the MCDA and Ogden Entertainment Services, Inc. under which Ogden Entertainment Services, Inc. agreed to operate and manage the Arena, subject to the rights of the Team Owner under the Playing Agreement, for the thirty-year term of the Original Operating Agreement. The operator of the Arena (the "Operator") has changed on several occasions since 1995. The current Operator is AEG Management MN, LLC which operates the Arena under an Amended and Restated Arena Lease, Operating, Management, Use and Assurances Agreement, dated and effective as of May 2, 2007 (the "Current Operating Agreement"), by and between the MCDA and AEG Management MN, LLC.

The MCDA entered into a Health Club Lease, dated as of March 1, 1995 (the "Health Club Lease"), between the MCDA and Arena Health Club Limited Partnership (the "Health Club Partnership"), under which the Health Club Partnership agreed to operate the Health Club for the thirty-year term of the Health Club Lease. The operator of the Health Club (the "Health Club Operator") has changed on several occasions since 1995. The current Health Club Operator is LTF Club Operations Company, Inc., a Minnesota corporation, which obtained its leasehold interest in the Health Club through an Assignment and Assumption of Lease, dated July 26, 2006, by and between Starmark Northwest Realty, L.L.C. and LTF Real Estate Company, Inc. and a Sublease Agreement by and between LTF Real Estate Company, Inc. and LTF Club Operations Company, Inc. The obligations of LTF Real Estate Company, Inc. under the Health Club Lease are guaranteed by Life Time Fitness, Inc., a Minnesota corporation, pursuant to the terms of a Lease Guaranty, dated July 26, 2006 (the "Guaranty").

The MCDA entered into a Commission Use and Occupancy Agreement, dated as of March 1, 1995 (the "Commission Use Agreement"), between the Agency and the Metropolitan Sports Facilities Commission (the "Commission"), under which the MCDA granted to the Commission the right to use the Arena for the conduct of amateur sports events for up to fifty event days per year. The Commission entered into a MASC Use Agreement, dated as of March 1, 1995 (the "MASC Use Agreement"), between the Commission, the Minnesota Amateur Sports Commission ("MASC"), and the Operator, under which the Commission granted to MASC the rights and obligations granted to the Commission under the Commission Use Agreement.

- **1.09.** Assignment of MCDA Interests. Pursuant to an Assignment and Assumption Agreement, effective as of August 1, 2009 (the "Assignment Agreement"), between the MCDA and the City, the MCDA has assigned all of its right, title, and interest in the Playing Agreement, the Current Operating Agreement, the Health Club Lease, the Guaranty, and the Commission Use Agreement (collectively, the "Assigned Agreements") to the City and the City has accepted and assumed the Assigned Agreements. In addition, pursuant to the terms of a quitclaim deed and a bill of sale, the MCDA has conveyed all of its interests in the real property and personal property comprising the Target Center to the City.
- of, premium, if any, and interest on the Series 1995 City Bonds was secured by the full faith and credit and taxing powers of the City. The City agreed to levy taxes on all taxable property in the City, without limitation as to rate or amount, to the extent necessary to pay the debt service on the Series 1995 City Bonds when due. Payment of the principal of, premium, if any, and interest on the MCDA Bonds is secured by the following revenues (collectively, the "Original Revenues"): (i) property taxes received by the City with respect to the private uses of the Arena; (ii) tax increment revenues derived from the Tax Increment District; (iii) revenues derived from the entertainment tax imposed pursuant to Laws of Minnesota 1969, Chapter 1092, as amended; (iv) certain revenues transferred from the City Parking Fund; (v) the revenues derived from the MASC Use Agreement; and (vi) earnings derived from the investment of the foregoing. Pursuant to the terms of the Series 1995 City Indenture and the MCDA Indenture, the Original Revenues are required to be applied first to the payment of the debt service on the Series 1995 City Bonds and second to the MCDA Bonds. As a result, the pledge of the Original Revenues to the MCDA Bonds is subordinate to the pledge of the Original Revenues to the Series 1995 City Bonds.

- **1.11.** Refunding Series 1995 City Bonds. On February 1, 1996, the City issued its General Obligation Refunding Bonds (Sports Arena Project), Series 1996 (the "Series 1996 City Bonds"), in the original aggregate principal amount of \$67,555,000. The Series 1996 City Bonds are currently outstanding in the principal amount of \$49,735,000. The Series 1996 City Bonds were issued pursuant to: (i) Resolution No. 95R-408, adopted by the City Council of the City on December 29, 1995, and approved by the Mayor of the City on January 4, 1995; and (ii) a Trust Indenture, dated as of January 1, 1996 (the "Series 1996 City Indenture"), between the City and the Trustee. The proceeds derived from the sale of the Series 1996 City Bonds were applied to the current refunding of the Series 1995 City Bonds on February 1, 1996.
- **1.12.** <u>Authority.</u> The City is authorized to issue bonds to redeem and prepay the Series 1996 City Bonds and the MCDA Bonds (collectively, the "Prior Bonds") pursuant to the terms of Minnesota Statutes, Chapter 475, as amended (the "Municipal Debt Act") and, in particular, Section 475.67 of the Municipal Debt Act. The City is authorized to apply the tax increment revenues and other revenues to the payment of the Bonds under Section 469.178 of the Tax Increment Act and the terms of the Municipal Debt Act. Pursuant to the terms of Section 475.58, subdivision 1 of the Municipal Debt Act, no election is required for the issuance of the portion of the Bonds to be applied to the refunding of the Series 1996 City Bonds. Pursuant to the terms of Sections 475.67, subdivision 3(d), and 475.58, subdivision 1(3), of the Municipal Debt Act, upon a pledge of tax increment revenues in the required amount, no election is required for the issuance of the portion of the Bonds to be applied to the refunding of the MCDA Bonds.
- 1.13. Consolidated TIF District. The Minnesota Legislature recently enacted Laws of Minnesota 2008, Chapter 366, Article 5, Section 37 (the "Special Law"), authorizing the City to establish a noncontiguous redevelopment tax increment financing district to be comprised of all or portions of the property currently located within the fifteen (15) existing tax increment financing districts of the City for which tax increment certification was requested pursuant to law prior to August 1, 1979, and which were not decertified prior to July 1, 2008. The Special Law provides that the new tax increment financing district may be certified after January 1, 2010, and must terminate no later than December 31, 2020. The Special Law was approved by the City Council of the City on July 11, 2008. If the City Council elects to establish this new tax increment financing district, it will be designated the Consolidated Redevelopment Tax Increment Financing District (the "Consolidated TIF District"). Under the terms of the Special Law, the tax increment revenues to be derived from the Consolidated TIF District may be expended only to: (i) pay principal and interest on bond obligations issued by the City or the MCDA for Target Center, including payment of principal and interest on any bonds issued to repay bonds or loans; or (ii) for neighborhood revitalization purposes.
- **1.14.** <u>Definitions.</u> Unless the context otherwise requires, the terms defined in Sections 1.01 1.13 of this Resolution (as defined below) and in this Section 1.14 shall, for all purposes of this Resolution and any resolution supplemental hereto, have the meanings herein specified, such definitions to be equally applicable to both the singular and plural forms of any of the terms defined:
- "Code" means the Internal Revenue Code of 1986, as amended, and any Treasury Regulations promulgated thereunder.
- "Common Project" means the Common Project Area and the tax increment financing districts located in the Common Project Area, established pursuant to the Common Development and Redevelopment Plan approved by the City and adopted by the MCDA and the Common Project Tax Increment Financing Plan, and the public improvements and facilities undertaken within the Common Project Area as more fully described in the Common Development and Redevelopment Plan.
- "Letter of Representations" means the Blanket Letter of Representations from the City to the Depository Trust Company, New York, New York.

"Registered owner" or "owner" means the person in whose name a Bond is registered.

"Resolution" means this resolution authorizing the issuance of obligations, as this resolution may be amended or supplemented from time to time.

SECTION 2. ISSUANCE OF BONDS. In order to refund the Prior Bonds, there is hereby authorized to be issued by the City its general obligation bonds in a maximum aggregate principal amount not to exceed \$60,000,000.

SECTION 3. TERMS AND FORM OF BONDS.

3.01. Bond Terms. Subject to the limitations set forth in Section 2 of this Resolution, the Bonds are authorized to be issued in accordance with the terms of this Resolution. The Bonds shall be designated "General Obligation Tax Increment Refunding Bonds (Target Center Project)" to which shall be added a series designation ("Series 2009" if the Bonds are issued in 2009 and "Series 2010" if the Bonds are issued in 2010). The Bonds may be issued in more than one series as the Finance Officer may determine. If issued in more than one series, the Finance Officer shall assign an additional series designation in order to distinguish each series from each other series. Any series of Bonds may be designated such other name or names as determined to be appropriate by the Finance Officer. The Bonds shall be dated the date on which such Bonds are issued or on such other date as the Finance Officer may determine, shall be issued in denominations of \$5,000 or any integral multiple thereof, and each series shall be numbered from R-1 upwards in order of issuance, or with such other numbering and in such other order as the Finance Officer may determine. The Bonds shall be issued in the original aggregate principal amount of \$60,000,000, or such lesser amount as the Finance Officer shall determine to be necessary and appropriate to redeem and prepay the Prior Bonds. The Bonds shall bear interest at the rates per annum approved by the Finance Officer in connection with the sale thereof but with a true interest cost not to exceed five percent (5.00%) per annum. Interest on the Bonds shall be payable semiannually on such months of each year and on the day of such months as determined by the Finance Officer, from the date of the Bonds or the most recent interest payment date to which interest has been paid or duly provided for, computed on the basis of a 360-day year of twelve (12) thirtyday months. The principal of the Bonds shall mature on such dates and in such principal amounts as shall be determined by the Finance Officer, consistent with the requirements of Section 475.54, subdivisions 1 and 17, of the Municipal Debt Act (determined, if necessary, by combining such maturities with those of other obligations of the City). The Finance Officer may determine to designate any portion of the principal of the Bonds to be combined into one or more term Bonds subject to mandatory sinking fund redemptions in the years and amounts determined by the Finance Officer. The authorization to issue the Bonds is effective without any additional action by the City Council and shall be undertaken by the Finance Officer on such date or dates and upon the terms and conditions deemed reasonable by the Finance Officer.

The Finance Officer, in his discretion, shall establish a date on and after which designated maturities of the Bonds shall be subject to redemption and prior payment in whole or in part at the option of the City. The redemption price of the Bonds shall be at such redemption prices, with or without premium, as the Finance Officer shall determine necessary to obtain the lowest interest rates for the Bonds consistent with the finance plan pursuant to which the Bonds are to be issued. The Finance Officer may establish a maturity schedule for the Bonds that includes a combination of serial Bonds and term Bonds, as long as Bonds within a single mandatory redemption are not split among term dates. Term Bonds shall be subject to mandatory sinking fund redemption on such dates and in such amounts as shall be determined by the Finance Officer.

Thirty (30) days prior to any redemption date, notice of any such redemption shall be given by mail to the banks (if any) where the Bonds are payable and to the registered owners, in accordance with the terms of the Municipal Debt Act. In the event of a partial redemption by lot of the Bonds, the Bond Registrar shall assign to each Bond then outstanding a distinctive number for each \$5,000 of the

principal amount of such Bonds and shall select by lot in the manner it determines the order of numbers, at \$5,000 for each number, for all outstanding Bonds of the maturity to be redeemed. The order of selection of Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected, but only so much of the principal amount of each Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. Upon partial redemption of any Bond, the same shall be surrendered in exchange for one or more new Bonds in authorized form for the unredeemed portion of principal. The method of selecting Bonds for optional redemption may be altered in such manner as the Finance Officer shall determine to be necessary and appropriate in the interests of the City and the owners of the Bonds.

3.02. Method of Payment; Bond Registrar and Paying Agent. The Bonds shall be payable as to principal upon presentation and surrender thereof at the office of the Finance Officer, in Minneapolis, Minnesota, as the initial bond registrar and paying agent (the "Paying Agent"), or at the designated office or offices of such other successor Paying Agent as the City may hereafter designate upon sixty (60) days mailed notice to the registered owners at their respective registered addresses. At the written request of the registered owner thereof, or at the direction of the Finance Officer, the payment of a minimum principal amount of Bonds (such minimum being no less than \$100,000) shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender of such Bonds at the office of the Paying Agent. Interest shall be paid by check or draft mailed to the registered owners of record as of the fifteenth day (whether or not a business day) of the month next preceding the applicable interest payment date at their addresses shown on the registration books or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of Bonds or at the direction of the Finance Officer, by wire transfer of immediately available funds to any bank in the continental United States as the registered owner may specify.

3.03. <u>Bond Form.</u> The Bonds shall be prepared in substantially the following form with necessary variations as to name, series designation, number, CUSIP Number, denomination, rate of interest, and date of maturity, the blanks therein to be properly filled in, and with such other additions, deletions, or other changes as the Finance Officer may determine:

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(Form of Bonds)

UNITED STATES OF AMERICA STATE OF MINNESOTA COUNTY OF HENNEPIN

No. R	\$	
	CITY OF MINNEAPOLIS	
	GENERAL OBLIGATION TAX INCREMENT REFUNDING BOND (TARGET CENTER PROJECT) SERIES	
	Date of	

Maturity

Interest Rate

Original Issue

CUSIP

Trogistici de d'union.	Registered Owner:
Principal Amount: DOLLARS	Principal Amount:DOLLARS
	The City of Minneapolis (the "City"), in the County of Hennepin and State of Minnesota, for value eccived, hereby certifies that it is indebted and hereby promises to pay to the registered owner named bove or registered assigns, the principal amount specified above on the maturity date specified above, pon the presentation and surrender hereof, and to pay to the registered owner hereof interest on such rincipal sum at the interest rate specified above from, or the most recent interest ayment date to which interest has been paid or duly provided for as specified below, on, and, until said principal sum is paid. Interest shall be computed on the basis of a 360-day year consisting of twelve (12) thirty-day months. Principal and he redemption price is payable in lawful money of the United States of America at the office of the finance Officer in Minneapolis, Minnesota, as Bond Registrar and Paying Agent, or at the office of such uccessor agents as the City may designate upon sixty (60) days notice to the respective registered owners at their registered addresses. At the written request of the registered owner thereof, payment if at least \$ in principal amount of Bonds of this series shall be made by wire transfer of mediately available funds to any bank in the continental United States upon presentation and urrender thereof. Interest shall be paid on each interest payment date by check or draft mailed to the verson in whose name this Bond is registered at the close of business on the fifteenth day of the month or receding each interest payment date (whether or not a business day) at the registered mediately available funds to any bank in the continental United States. Any such a registered owner of at least \$1,000,000 in aggregate principal amount of the Bonds of this series, by wire transfer of immediately available funds to any bank in the continental United States. Any such the registered on such regular record dates and such defaulted interest may be paid to the person in whose name

This Bond is one of a series of Bonds all of like date and tenor except for number, interest rate, denomination, date of maturity, and redemption privilege, and is issued pursuant to a resolution adopted by the City Council of the City on _______, 2009, for the purpose of providing money to refund the outstanding principal amount of certain general obligation bonds of the City and revenue bonds of the Minneapolis Community Development Agency, pursuant to and in full conformity with the home rule charter of the City and the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Chapter 475, as amended, and Minnesota Statutes, Sections 469.174 to 469.1799, as amended (collectively, the "Act").

Subject to the qualifications set forth herein, the City pledged to the payment of the principal of, premium, if any, and interest on the Bonds the following revenues (collectively, the "Revenues"): (i) proceeds derived from the sale of the Bonds that are deposited in the Debt Service Account in accordance with the terms of the resolution authorizing the issuance of the Bonds (the "Bond Resolution"); (ii) property taxes received by the City with respect to the private uses of a multipurpose sports facility that provides an arena for the National Basketball Association team and franchise, commonly known as the Minnesota Timberwolves, and is located on land within the NBA Arena Tax Increment Financing District (the "Arena TIF District"); (iii) tax increment revenues derived from the Arena TIF District; (iv) tax increment revenues derived from a consolidated group of tax increment financing districts in the City and designated the "Common Project"; (v) if created by the City, tax increment revenues derived from a Consolidated Redevelopment Tax Increment Financing District (the "Consolidated TIF District") established under Laws of Minnesota 2008, Chapter 366, Article 5, Section 37; (vi) certain revenues derived from an entertainment tax imposed pursuant to Laws of Minnesota 1969, Chapter 1092, as amended; (vii) certain net revenues transferred from the City Parking Fund; (viii) other revenues designated by the Finance Officer to be deposited in the debt service account for the Bonds pursuant to the terms of the Bond Resolution; and (ix) earnings derived from the

investment of the foregoing. The pledge of the Revenues to the Bonds is qualified by any pledge to any other obligations of the City which may be made on a senior, subordinate, or parity basis and the deposit of such Revenues to the debt service account for the Bonds will be made only to the extent such Revenues are available for such purposes. The City may pledge or apply the Revenues to existing or future obligations of the City on a senior, subordinate, or parity basis with the Bonds and may apply the Revenues to other purposes of the City on a senior, subordinate, or parity basis with the Bonds. The City has found and determined that tax increment revenues pledged to the Bonds will comprise not less than twenty percent (20%) of the cost of the facilities refinanced with the proceeds of such Bonds. Notwithstanding the foregoing, the Finance Officer shall apply the sources of Revenues to the debt service requirements on the Bonds in such amounts and at such times as the Finance Officer determines to be in the best interests of the City.

The full faith and credit of the City has been and is hereby pledged to the full and prompt payment of the principal of and interest on the Bonds and the City Council is obligated to levy ad valorem taxes on all taxable property in the City, without limitation as to rate or amount, if necessary to pay the principal of and interest on the Bonds when due.

Reference is hereby made to the Act and to the Bond Resolution for a description of the Revenues and any other revenues that are expected to pay the debt service on the Bonds of this series. Reference is hereby made to the Act and to the Bond Resolution for a description of the nature of the security thereby created, the rights and limitation of the rights of the City and bondholders with respect thereto, and covenants of the City as to the application of the proceeds of the Bonds of this series and the security for the Bonds and interest thereon.

the security for the Bonds and interest there	eon.
the City, in whole or in part in such order as	, are subject to redemption at the option of the City may determine, on, and any to par plus accrued interest to the redemption date [plus owing table].
[Redemption P	Premium Table, if applicable]
Thirty (30) days notice of prior redemption provided by applicable provisions of the Act	will be given by mail to registered owners in the manner
	, are subject to mandatory sinking fund redemption or following principal amounts:
[Mandatory Sinking Fund	d Redemption Schedule, if applicable]
•	are hereinafter referred to collectively as the "Term Bonds subject to mandatory sinking fund redemption or

This Bond is transferable, as provided in the Bond Resolution, only upon books of the City kept at the office of the Bond Registrar by the registered owner hereof in person or by the registered owner's duly authorized attorney, upon surrender of this Bond for transfer at the office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar duly executed by, the registered owner hereof or the registered owner's duly authorized attorney, and, upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, one or more fully registered Bonds of the series of the same principal amount, maturity and interest rate will be issued to the designated transferee or transferees.

any date may be reduced through earlier optional redemptions, with any partial redemptions of the Term Bonds credited against future mandatory sinking fund redemptions of such Term Bonds in such order

as the City shall determine.]

The Bonds of this series are issued only as fully registered bonds without coupons in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount maturing in any one year. As provided in the Bond Resolution and subject to certain limitations therein set forth, the Bonds of this series are exchangeable for a like aggregate principal amount of Bonds of this series of different authorized denominations, as requested by the registered owner or the registered owner's duly authorized attorney, upon surrender thereof to the Bond Registrar.

It is hereby certified, recited, and declared that all acts, conditions, and things required to exist, happen, and be performed precedent to and in the issuance of this Bond do exist, have happened, and have been performed in regular and due time, form, and manner as required by law; and that this Bond, and the series of which it is a part, is within every applicable debt and other limit prescribed by the Constitution and laws of the State of Minnesota and the Charter of the City.

This Bond shall not be valid or become obligatory for any purpose until the Registration and Authentication Certificate hereon shall have been signed by the Bond Registrar.

In witness whereof, the City, acting by and through its City Council, has caused this Bond to be executed with the manual or facsimile signature of its Finance Officer and a facsimile of the corporate seal of said City to be imprinted hereon, all as of the Date of Original Issue specified above.

Dated:	
	CITY OF MINNEAPOLIS, MINNESOTA
(SEAL)	
	By Finance Officer
_	Registration and Authentication Certificate
	cribed in the within mentioned Bond Resolution and has been in the name of the Registered Owner identified above on the cer of the City of Minneapolis.
	Finance Officer, as Bond Registrar

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ASSIGNMENT

FOR VALUE RECEIVED, the undersigned	d hereby sells, assigns and transfers unto
the within Bond and all rights thereunder, a attorney	ame and Address of Transferee) and hereby irrevocably constitutes and appoints to transfer the within Bond on the books kept for
registration thereof, with full power of substitutio	n in the premises.
Dated:	
Please Insert Social Security Number or Other Identifying Number of Assignee.	Notice: The signature to this assignment must correspond with the name as it appears on the face of this Bond in every particular, without alteration or any change whatever.
Signature Guaranteed:	
Signatures must be guaranteed by a	
national bank or trust company, or by a brokerage firm which is a member of a major stock exchange.	

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3.04. Registration. As long as any of the Bonds issued hereunder shall remain outstanding, the City shall maintain and keep at the office of the Bond Registrar an office or agency for the payment of the principal of and interest on such Bonds, as in this Resolution provided, and for the registration and transfer of such Bonds, and shall also keep at said office of the Bond Registrar books for such registration and transfer. Upon surrender for transfer of any Bond at the office of a Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the registered owner's duly authorized attorney, and upon payment of any tax, fee, or other governmental charge required to be paid with respect to such transfer, the City shall execute and the Bond Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more fully registered Bonds of the same series, of any authorized denominations and of a like aggregate principal amount, interest rate, and maturity. Any Bonds, upon surrender thereof at the office of the Bond Registrar at the option of the registered owner thereof, may be exchanged for an equal aggregate principal amount of Bonds of the same maturity and interest rate of any authorized denominations. In all cases in which the privilege of exchanging Bonds or transferring fully registered Bonds is exercised, the City shall execute and the Bond Registrar shall deliver Bonds in accordance with the provisions of this Resolution. For every such exchange or transfer of Bonds, whether temporary or definitive, the City or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent

to the exercise of the privilege of making such exchange or transfer. Notwithstanding any other provision of this Resolution, the cost of preparing each new Bond upon each exchange or transfer, and any other expenses of the City or the Bond Registrar incurred in connection therewith (except any applicable tax, fee, or other governmental charge) shall be paid by the City. The City and the Bond Registrar shall not be required to make any transfer or exchange of any Bonds called for redemption, nor be obligated to make any such exchange or transfer of Bonds during the fifteen (15) days next preceding the date of the first publication or the mailing (if there is no publication) of notice of redemption in the case of a proposed redemption of Bonds.

- **3.05.** Record Dates. Interest on any Bond which is payable, and is punctually paid or duly provided for, on any interest payment date shall be paid to the person in whose name that Bond (or one or more Bonds for which such bond was exchanged) is registered at the close of business on the fifteenth day of the preceding month. Any interest on any Bond which is payable, but is not punctually paid or duly provided for, on any interest payment date shall cease to be payable to the registered holder on the relevant regular record date solely by virtue of such holder having been such holder; and such defaulted interest may be paid by the City in any lawful manner, if, after notice given by the City to the Bond Registrar of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable by the Bond Registrar. Such payments shall then be made to the persons in whose names the Bonds are registered at the close of business on a special record date established by the Bond Registrar. Subject to the foregoing provisions of this paragraph, each Bond delivered under this Resolution upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond and each such Bond shall bear interest from such date that neither gain nor loss in interest shall result from such transfer, exchange, or substitution.
- **3.06.** Bonds Mutilated, Destroyed, Stolen, or Lost. In case any Bond shall become mutilated or be destroyed, stolen, or lost, the City shall execute and the Bond Registrar shall authenticate and deliver a new Bond of like maturity and principal amount as the Bond so mutilated, destroyed, stolen, or lost, in exchange and substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen, or lost, upon filing with the City evidence satisfactory to the City and the Bond Registrar that such Bond has been destroyed, stolen, or lost and proof of ownership thereof, and upon furnishing the City and the Bond Registrar with indemnity satisfactory to them and complying with such other reasonable regulations as the City and the Bond Registrar may incur in connection therewith. All Bonds so surrendered to the Bond Registrar shall be cancelled by it and evidence of such cancellation shall be given to the City.
- **3.07.** Owners. As to any Bond, the City and the Bond Registrar and their respective successors, each in its discretion, may deem and treat the person in whose name such Bond for the time being shall be registered as the absolute owner thereof for all purposes and neither the City nor the Bond Registrar nor their respective successors shall be affected by any notice to the contrary. Payment of or on account of the principal of any such Bond shall be made only to or upon the order of the registered owner thereof, but such registration may be changed as above provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.
- **3.08.** Use of Securities Depository; Book-Entry Only System. The provisions of this Section 3.08 shall take precedence over the provisions of Sections 3.01, 3.02, and 3.04 through 3.07 hereof to the extent they are inconsistent with this Section 3.08.
- (a) The Depository Trust Company ("DTC") has agreed to act as securities depository for the Bonds, and to provide a Book-Entry Only System for registering the ownership interests of the financial institutions for which it holds the Bonds (the "DTC Participants"), and for distributing to such DTC Participants such amount of the principal and interest payments on the Bonds as they are entitled to receive, for redistribution to the beneficial owners of the Bonds as reflected in their records (the "Beneficial Owners").

(b) Initially, and so long as DTC or another qualified entity continues to act as securities depository, the Bonds shall be issued in typewritten form, one for each maturity in a principal amount equal to the aggregate principal amount of each maturity, shall be registered in the name of the securities depository or its nominee, and shall be subject to the provisions of this Section. While DTC is acting as the securities depository, the Bonds shall be registered in the name of DTC's nominee, CEDE & CO; provided that upon delivery by DTC to the City and the Bond Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & CO., the words "CEDE & CO." in this Resolution shall refer to such new nominee of DTC.

With respect to Bonds registered in the name of DTC or its nominee, the City and the Bond Registrar shall have no responsibility or obligation to any DTC Participant or other person with respect to the following: (i) the accuracy of the records of any securities depository or its nominee with respect to any ownership interest in the Bonds; (ii) the delivery to any DTC Participant or other person or any other person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption; or (iii) the payment to any DTC Participant or any other person, other than DTC, of any amount with respect to the principal of or interest on the Bonds. The Bond Registrar shall pay all principal of and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal and interest on the Bonds to the extent of the sum or sums so paid. So long as the Book-Entry Only System described in this Section is in effect, no person other than DTC shall receive an authenticated Bond.

- (c) Upon receipt by the City and the Bond Registrar of written notice from DTC or any other securities depository to the effect that it is unable or unwilling to discharge its responsibilities under the Book-Entry Only System, the Bond Registrar shall issue, transfer, and exchange Bonds of the initial series as requested by the securities depository in appropriate amounts, and whenever the securities depository requests the City and the Bond Registrar to do so, the City and the Bond Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice: (i) to arrange for a substitute depository willing and able, upon reasonable and customary terms, to maintain custody of the Bonds; or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners registering ownership, transferring, or exchanging such Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.
- (d) In the event the City determines that it is in the best interests of the Beneficial Owners that they be able to obtain printed Bonds, the City may so notify the securities depository and the Bond Registrar, whereupon the securities depository shall notify the Beneficial Owners of the availability through the securities depository of such printed Bonds. In such event, the City shall cause to be prepared and the Bond Registrar shall issue, transfer, and exchange printed Bonds, fully executed and authenticated, as requested by the securities depository in appropriate amounts and, whenever the securities depository requests, the City and the Bond Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice to make available printed Bonds registered on the Bond Register in whatever name or names the Beneficial Owners entitled to receive Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.
- (e) Notwithstanding any other provisions of this Resolution to the contrary, so long as any Bond is registered in the name of a securities depository or its nominee, all payments of principal and interest on the Bond and all notices with respect to the Bond shall be made and given, respectively, to the securities depository as provided in the representation letter given to it by the City. The Letter of Representations is confirmed and shall apply to the Bonds.
- (f) In the event that the Book-Entry Only System established pursuant to this Section is discontinued, except as provided in clause (g), the Bonds shall be issued through the securities depository to the Beneficial Owners.

(g) In the event of termination of the Book-Entry Only System, the City shall have the right to terminate, and shall take all steps necessary to terminate, all arrangements with the securities depository described herein, and thereafter shall issue, register ownership of, transfer, and exchange all Bonds as provided herein. Upon receipt by the securities depository of notice from the City, the securities depository shall take all actions necessary to assist the City and the Bond Registrar in terminating all arrangements for the issuance of documents evidencing ownership interests in the Bonds through the securities depository. Nothing herein shall affect the securities depository's rights under clause (e) above.

SECTION 4. SALE, EXECUTION, AND DELIVERY OF BONDS AND RELATED DOCUMENTS.

- **4.01.** Method of Sale. Authority to negotiate the sale and issuance of the Bonds is hereby delegated to the Finance Officer under Section 475.60, subdivision 1, of the Municipal Debt Act and each series of Bonds shall be sold at the prices determined by the Finance Officer acting in accordance with the requirements of the Municipal Debt Act, including Sections 475.56 and 475.60 thereof and, in such regard, the Finance Officer shall determine the amount of the Bonds authorized to be issued for purposes of the Municipal Debt Act. The Bonds shall bear interest at the rates specified by the successful proposal and approved by the Finance Officer. In connection with the sale of the Bonds, by one or more certificates or other written instruments or documents, the Finance Officer may make such additional covenants or directions as it may deem necessary and expedient, including but not limited to, approval of an Official Statement and of a Continuing Disclosure Certificate. Any original issue premium, unused discount, and unused issuance costs shall be applied to any one or more of the following: (i) deposit in the Debt Service Account and apply to the payment of the principal of and interest on the Bonds; (ii) reduce the principal amount of the Bonds; or (iii) direct to such other purposes as determined to be appropriate by the Finance Officer.
- **4.02.** Execution and Delivery. The Bonds shall be executed by the manual or facsimile signature of the Finance Officer and a facsimile of the corporate seal of the City shall be included as set forth in the form of Bond. The text of the approving legal opinion of Kennedy & Graven, Chartered, of Minneapolis, Minnesota, as bond counsel, may be printed on or accompany the delivery of each Bond. When the Bonds have been duly executed and authenticated by the Bond Registrar in accordance with this Resolution, the Bonds shall be delivered to the purchasers in accordance with the terms of the sale upon payment of the purchase price, and the Finance Officer shall take such actions to provide for the redemption and prepayment of the Prior Bonds as are deemed appropriate by the Finance Officer. The purchasers of the Bonds shall not be bound to see to the authorized application of the purchase money. The Bonds shall not be valid for any purpose until authenticated by the Bond Registrar, which is hereby appointed authenticating agent in accordance with the provisions of the Municipal Debt Act.
- **4.03.** Official Statement. The Finance Officer shall cause an Official Statement relating to the Bonds and any appropriate addendums to such Official Statement (collectively, the "Official Statement") to be prepared and delivered to such potential purchasers of the Bonds as the Finance Officer deems appropriate, and the use thereof by the purchasers is approved.
- **4.04.** Certificates. If such officer finds the same to be accurate, the Finance Officer is authorized and directed to furnish to the purchasers at the closing: (i) a certificate that, to the best of the knowledge of such officer, the Official Statement does not, at the date of closing, and did not, as of its date, contain any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made therein, in the light of the circumstances under which they were made, not misleading; and (ii) such other certificates as are required as a condition of sale, including a Continuing Disclosure Certificate setting forth the continuing disclosure obligations of the City under applicable law, as approved by the Finance Officer. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing, the Finance Officer shall also execute and deliver to the purchasers a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver a certificate as to payment

for and delivery of the Bonds. The Finance Officer shall also execute and deliver an arbitrage certificate meeting the requirements of the arbitrage regulations under Section 148 of the Code and shall deliver the signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Bonds and the exemption of interest thereon from federal and Minnesota income taxation (other than Minnesota corporate franchise and bank excise taxes measured by income) under present laws and rulings.

SECTION 5. REFUNDING PRIOR BONDS; APPLICATION OF PROCEEDS OF BONDS.

- **5.01.** Redemption and Prepayment of Prior Bonds. All of the outstanding Prior Bonds are hereby called for redemption and prepayment on a date selected by the Finance Officer, but in no event more than ninety (90) days after the date of issuance of the Bonds.
- **5.02.** Appropriation of Funds. The proceeds of the Bonds are hereby appropriated as follows: (i) any accrued interest shall be deposited in the Debt Service Account; (ii) to the extent that the Finance Officer determines to make such deposits, the original issue premium, unused discount, and unused costs of issuance shall be deposited in the Debt Service Account; (iii) an amount, if any, determined by the Finance Officer to pay interest on the Bonds shall be set aside and applied to such purpose; (iv) an amount sufficient to refund the Prior Bonds shall be applied to such purpose; and (v) an amount sufficient to pay the costs of issuing the Bonds shall be set aside and applied to such purpose. Any remaining proceeds of the Bonds shall be applied to purposes of the City as determined and designated by the Finance Officer. Arrangements with the Trustee for the deposit of money sufficient to redeem and prepay the Series 1996 City Bonds shall be made on such terms and conditions as are deemed necessary or appropriate by the Finance Officer. Arrangements with the Trustee for the deposit of money sufficient to redeem and prepay the MCDA Bonds shall be made on such terms and conditions as are deemed necessary or appropriate by the Finance Officer.

SECTION 6. COVENANTS OF THE CITY.

6.01. Debt Service Account. There is hereby established a separate Debt Service Account for payment of principal of, premium, if any, and interest on the Bonds. Subject to the qualifications set forth herein, the City hereby pledges to the payment of the principal of, premium, if any, and interest on the Bonds the following revenues (collectively, the "Revenues"): (i) proceeds derived from the sale of the Bonds that are deposited in the Debt Service Account in accordance with the terms of Section 5.02 of this Resolution; (ii) property taxes received by the City with respect to the private uses of Target Center; (iii) tax increment revenues derived from the Tax Increment District; (iv) tax increment revenues derived from the Common Project; (v) if created by the City, tax increment revenues derived from a Consolidated Redevelopment Tax Increment Financing District (the "Consolidated TIF District") established under Laws of Minnesota 2008, Chapter 366, Article 5, Section 37; (vi) certain revenues derived from an entertainment tax imposed pursuant to Laws of Minnesota 1969, Chapter 1092, as amended; (vii) certain net revenues transferred from the City Parking Fund; (viii) other revenues designated by the Finance Officer to be deposited in the Debt Service Account for the Bonds pursuant to the terms of this Resolution; and (ix) earnings derived from the investment of the foregoing. The foregoing pledge of the Revenues to the Bonds is qualified by any pledge to any other obligations of the City which may be made on a senior, subordinate, or parity basis and the deposit of such Revenues to the Debt Service Account for the Bonds shall be made only to the extent such Revenues are available for such purposes. The City may pledge or apply the Revenues to existing or future obligations of the City on a senior, subordinate, or parity basis with the Bonds and may apply the Revenues to other purposes of the City on a senior, subordinate, or parity basis with the Bonds. The City hereby finds and determines that tax increment revenues pledged to the Bonds will comprise not less than twenty percent (20%) of the cost of the facilities refinanced with the proceeds of such Bonds. Notwithstanding the foregoing, the Finance Officer shall apply the sources of Revenues to the debt service requirements on the Bonds in such amounts and at such times as the Finance Officer determines to be in the best interests of the City.

- **6.02.** Pledge of Full Faith and Credit; Tax Levies. The full faith and credit of the City are irrevocably pledged for the prompt and full payment of the Bonds and the interest thereon, when due. It is hereby estimated that the Revenues and other revenues to be applied to the payment of the Bonds under Section 6.01 will produce at least five percent (5%) in excess of the amount needed to meet when due the principal and interest payments on the Bonds, but the City shall levy, in addition to all other taxes, a direct tax on all taxable property in the City, without limitation as to rate or amount, if necessary to pay such principal and interest when due. Without limiting the foregoing, the City shall levy taxes in each year to the extent estimated collections of Revenues and other revenues to be applied to the payment of the Bonds in the following year, together with available amounts on deposit in the Debt Service Account and other dedicated funds, are insufficient to pay the principal of and interest on the Bonds in such subsequent year and at least five percent (5%) in excess thereof.
- **6.03.** Private Activity Bond Covenant. The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Bonds or any related activity which would cause the Bonds to be deemed to be "private activity bonds," within the meaning of Section 141 of the Code. The City shall take all such action as may be required under the Code to ensure that interest on each of the Bonds is not and does not become includable in gross income for federal income tax purposes.
- 6.04. Arbitrage Covenant. The City covenants and agrees with the owners of the Bonds that the investments of the "gross proceeds" of each the Bonds, including the investment of any revenues pledged to the Bonds which are considered "gross proceeds" under Section 148 of the Code and the applicable Treasury Regulations promulgated thereunder, and accumulated sinking funds, if any, shall be limited as to amount and yield in such manner that the Bonds shall not be deemed to be "arbitrage bonds" within the meaning of Section 148 of the Code and applicable Treasury Regulations promulgated thereunder. On the basis of existing facts, estimates, and circumstances, including the foregoing findings and covenants, the City Council hereby certifies that it is not expected that the proceeds of the Bonds (or any separate series of Bonds) will be used in such manner as to cause the Bonds (or any separate series of Bonds) to be "arbitrage bonds" under Section 148 of the Code and applicable Treasury Regulations promulgated thereunder. The Finance Officer shall furnish an arbitrage certificate to the original purchasers based on the foregoing certification at the time of delivery of the Bonds (or any separate series of Bonds) to be issued as obligations the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes, and the Finance Officer may make any election permitted under Section 148 of the Code, or under any other provision of the Code, on behalf of the City.

SECTION 7. MISCELLANEOUS MATTERS RELATING TO BONDS.

- **7.01.** Registration. The Finance Officer or City Clerk is hereby authorized and directed to certify a copy of this Resolution and to cause the same to be filed with the Taxpayer Services Division Manager of Hennepin County, exercising the powers of the County Auditor under Section 475.63 of the Municipal Debt Act, and to obtain a certificate as to registration of the Bonds.
- **7.02.** Certification. The City Clerk, the Finance Officer, and other officers and employees of the City are hereby authorized and directed to furnish to the attorneys approving the Bonds, on behalf of the purchasers of the Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, to show the proceedings taken in connection with the Bonds, and the right and authority of the City to issue the Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City.

SECTION 8. MISCELLANEOUS MATTERS RELATING TO BONDS.

8.01. Enforceability of Bonds. All agreements, covenants, and obligations of the City contained in this Resolution and in the above-referenced documents shall be deemed to be the agreements.

covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this Resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council nor any officer executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance of the Bonds.

- **8.02.** Rights Conferred. Nothing in this Resolution or in the above-referenced documents is intended or shall be constructed to confer upon any person (other than as provided in the Bonds and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this Resolution or any provision of this Resolution.
- **8.03.** Persons Authorized to Execute Documents. If for any reason the Finance Officer or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Finance Officer or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by an acting or assistant to such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.
- 8.04. Amendments. The authority to approve, execute, and deliver future amendments to the documents executed and delivered by the City in connection with the transactions contemplated by this Resolution is hereby delegated to the Finance Officer, subject to the following conditions: (a) such amendments do not require the consent of the holders of the Bonds or, if required, such consent has been obtained; (b) such amendments do not materially adversely affect the interests of the City as the issuer of the Bonds; (c) such amendments do not contravene or violate any policy of the City; (d) such amendments are acceptable in form and substance to the City Attorney, bond counsel, or other counsel retained by the City to review such amendments; (e) the City has received, if necessary, an opinion of bond counsel to the effect that the amendments will not adversely affect the tax-exempt character or interest on the Bonds (if the Bonds are then tax-exempt obligations); and (f) such amendments do not materially prejudice the interests of the owners of the Bonds. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this Resolution. The execution of any instrument by the Finance Officer shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the Finance Officer, any instrument authorized by this paragraph to be executed and delivered by the Finance Officer may be executed by such other officer of the City as in the opinion of the City Attorney is authorized to execute and deliver such document.
- **8.05.** Effective Date. This Resolution shall take effect and be in force from and after its approval and publication. Pursuant to Chapter 4, Section 9, of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

Adopted 11/13/2009.

Absent - Remington.

W&M/Budget - Your Committee recommends that proper City officers be authorized to increase the contract with The Link for a new annual amount not-to-exceed \$280,000 for 2009 and 2010, for services to the Juvenile Supervision Center program. No additional appropriation required.

Adopted 11/13/2009.

Absent - Remington.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the new appointed position of Access and Outreach Manager, (grade 10 with 495 points), effective November 4, 2009, as set forth in Petn No 273900 on file in the Office of the City Clerk.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said appointed position.

Adopted 11/13/2009. Yeas, 11; Nays, 1 as follows:

Yeas - Samuels, Hofstede, Ostrow, Schiff, Colvin Roy, Glidden, Benson, Goodman, Hodges, Johnson, Lilligren.

Nays - Gordon.

Absent - Remington.

Ordinance 2009-Or-182 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, approving the appointed position of Access and Outreach Manager, was adopted 11/13/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-182 By Ostrow 1st & 2nd Readings: 11/13/2009

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP) Effective: NOVEMBER 4, 2009

FLSA OTC CLASSIFICATION PTS			G	Р	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B" years	Step D After 3 "C" years	
Е	1	Access and Outreach Manager	495	10	Α	\$72,766	\$76,596	\$78,894	\$80,426

Adopted 11/13/2009. Yeas, 11; Nays, 1 as follows:

Yeas - Samuels, Hofstede, Ostrow, Schiff, Colvin Roy, Glidden, Benson, Goodman, Hodges, Johnson, Lilligren.

Nays - Gordon.

Absent - Remington.

W&M/Budget - Your Committee recommends that proper City officers be authorized to execute a five (5) year contract with Meet Minneapolis to market and sell the City of Minneapolis as a tourism

destination and promote its hospitality assets with a primary emphasis on the Minneapolis Convention Center. No addition appropriation required.

Adopted 11/13/2009.

Absent - Remington.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to expend \$71,000 to Clean Response, Inc. for water damage clean-up and mold mitigation measures at the Minneapolis Convention Center following the August 2009 tornado damage. No additional appropriation required.

Adopted 11/13/2009.

Absent - Remington.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #7203 from Pro-Tec Design, Inc., for an estimated expenditure of \$590,000, to furnish, install and deliver a closed circuit television security system at the Minneapolis Convention Center (Petn No 273896).

Adopted 11/13/2009.

Absent - Remington.

Approved by Mayor Rybak 11/13/2009.

(Published 11/17/2009)

W&M/Budget - Your Committee, having under consideration the City's loan to Meet Minneapolis relating to iDSS, now recommends that the proper City officers be authorized to execute documents releasing the City's claim on software owned and developed by iDSS, as partial security for loans to Meet Minneapolis. All other terms of the City's loan will remain unchanged.

Adopted 11/13/2009.

Absent - Remington.

W&M/Budget - Your Committee recommends that proper City officers be authorized to execute a multi-year contract agreement with Hennepin County to provide police detox van services for 2010 through 2013 for an estimated \$177,695 in 2010 and annual costs to be determined subsequently.

Your Committee further recommends passage of the accompanying resolution appropriating \$177,695 to the Police Department.

Adopted 11/13/2009.

Absent - Remington.

RESOLUTION 2009R-559 By Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Police Department by \$177,695 and increasing the Revenue Source by \$177,695 (01210-4001003-345501).

Adopted 11/13/2009.

Absent - Remington.

MOTION

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of December, 2009, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 11/13/2009.

Absent - Gordon, Remington.

UNFINISHED BUSINESS

PS&RS-Your Committee, having under consideration the application of Avenue One Entertainment LLC, dba Bootleggers, 313 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License (expansion of premises for an outdoor rear second floor deck) to expire January 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Goodman moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 11/13/2009.

Absent - Gordon, Remington.

- **Z&P**-Your Committee, having under consideration the appeal filed by Kevin and Valerie Holler from the decision of the Planning Commission denying applications for a nonconforming use certificate to establish legal nonconforming rights for a contractor's office and a change of nonconforming use from a minor auto repair facility to a contractor's office for an existing commercial building at 4420 Humboldt Avenue N, now recommends, notwithstanding the recommendation of staff, that said appeal be granted, subject to conditions that:
- 1. The applicants shall obtain proper permits for all unpermitted work, including but not limited to, electrical, plumbing and construction permits.
 - 2. No outdoor storage shall be allowed for the contractor's office.
- 3. No additional dwelling units shall be permitted in the residential structure, per Section 531.50 of the zoning ordinance;

and finding that the vacancy or abandonment was beyond the control of the property owner, commercial use of the property continued, the applicant was unaware of the need to apply for a change of non conforming use at the time, and further the new use is less intense than the previous auto repair use.

Your Committee further recommends that the Findings of Fact and Recommendation prepared by the City Attorney and on file as FoF2009-___ in the Office of the City Clerk be adopted and made a part of this report by reference.

Schiff moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy, Remington.

Your Committee, having under consideration the appeal filed by Kevin and Valerie Holler from the decision of the Planning Commission denying applications for a nonconforming use certificate to establish legal nonconforming rights for a contractor's office and a change of nonconforming use from a minor auto repair facility to a contractor's office for an existing commercial building at 4420 Humboldt Avenue N, now recommends that said appeal be denied and that the related findings prepared by the Community Planning & Economic Development staff be adopted. Seconded.

Adopted 11/13/2009. Yeas, 10; Nays, 1 as follows:

Yeas - Samuels, Hofstede, Ostrow, Schiff, Glidden, Benson, Goodman, Hodges, Johnson, Lilligren.

Nays - Gordon.

Absent - Colvin Roy, Remington.

NEW BUSINESS

Benson moved to introduce the subject matter of an ordinance amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances relating to Planning and Development: Small and Underutilized Business Enterprise Program, for first reading and referral to the Health, Energy & Environment

Committee (extending the expiration of Chapter 423 relating to the Small and Underutilized Business Enterprise Program to September 30, 2010). Seconded.

Adopted by unanimous consent 11/13/2009.

Absent - Colvin Roy, Remington.

Hodges gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 2, Chapter 17 of the Minneapolis Code of Ordinances relating to Administration: Finance Department (relating to provisions for internal audit of the financial functions of the City).

Johnson moved passage of the accompanying resolution authorizing the proper City officers to submit a grant application to the Minnesota Department of Natural Resources (DNR) for a Trail Legacy Grant for the Ryan Lake Trail in the amount of \$150,000, to help fund construction of the trail. Seconded.

Adopted 11/13/2009.

Absent - Colvin Roy, Remington.

Approved by Mayor Rybak 11/13/2009.

(Published 11/17/2009)

Resolution 2009R-560, authorizing a grant application to the Minnesota Department of Natural Resources for a Trail Legacy Grant for the Ryan Lake Trail Project for \$150,000, was adopted 11/13/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-560 By Johnson

Authorizing application to the Minnesota Department of Natural Resources (DNR) for a Trail Legacy Grant for the Ryan Lake Trail Project for \$150,000.

Whereas, the Ryan Lake Trail Project is the 1st Phase of a multi-neighborhood regional trail project that will connect the Mississippi River Regional Park System to the Minneapolis Grand Rounds trail system at Victory Memorial Trail; and

Whereas, the trail will serve Minneapolis, Robbinsdale, and Brooklyn Center residents and will provide a trail facility in a portion of Minneapolis that lacks trail accommodations; and

Whereas, This project will be constructed in conjunction with the Ryan Lake shoreland restoration project, Ryan Lake reforestation project, and the Victory Prairie restoration project; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, upon approval of its application, the City may enter into agreements with the DNR for the above-referenced project and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Public Works or other appropriate staff to apply on behalf of the City of Minneapolis to the Department of Natural Resources for a Trail Legacy Grant for the Ryan Lake Trail.

Adopted 11/13/2009.

Absent - Colvin Roy, Remington.

Approved by Mayor Rybak 11/13/2009.

Hodges moved to adjourn to Room 315, City Hall, for the purpose of discussing: a) Derryl Jenkins v. City of Minneapolis, et al.; and b) Rolando Demetrio Ruiz v. City of Minneapolis, et al., and thereafter, adjourn to Thursday, November 19, 2009, at 6:05 p.m. in the Council Chamber for the purpose of conducting a public hearing on Levy and 2010 Budget. Seconded.

Adopted upon a voice vote 11/13/2009.

Absent - Colvin Roy, Remington.

Room 315 City Hall

Minneapolis, Minnesota

November 13, 2009 - 11:12 a.m.

The Council met pursuant to adjournment.

Council Vice President Lilligren in the Chair.

Present – Council Members Ostrow, Lilligren, Glidden, Benson, Goodman, Hodges, President Johnson.

Absent - Council Members Samuels, Gordon, Hofstede, Schiff, Colvin Roy, Remington.

Jim Moore stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving a) *Derryl Jenkins v. City of Minneapolis*, et al.; and b) *Rolando Demetrio Ruiz v. City of Minneapolis*, et al., lawsuits.

At 11:14 a.m., Johnson moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Council Members Samuels, Gordon, Hofstede, Schiff, Colvin Roy, Remington.

Present - Samuels, Gordon, Hofstede (out 12:22 p.m.-12:27 p.m.), Ostrow, Schiff (in at 11:15 a.m.), Lilligren, Colvin Roy (in at 11:15 a.m.), Glidden (out 11:34 a.m.-12:10 p.m.), Benson (out at 12:22 p.m.), Goodman (out at 12:41 p.m.), Hodges, Johnson.

Absent - Remington.

Also Present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Jim Moore and Carla Boggs, Assistant City Attorneys; Sharon Lubinski, Assistant Chief of Police; R.T. Rybak, Mayor; Tina Smith, Mayor's office (out 11:55 a.m.-11:58 a.m.); Steven Ristuben, City Clerk (out at 11:13 a.m.); and Irene Kasper, City Clerk's Office.

Jim Moore summarized the *Derryl Jenkins v. City of Minneapolis, et al.*, lawsuit from 11:14 a.m. to 11:54 a.m.; and the *Rolando Demetrio Ruiz v. City of Minneapolis, et al.*, lawsuit from 11:55 a.m. to 12:44 p.m.

At 12:45 p.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Remington, Benson, Goodman.

Lilligren moved to adjourn to November 19, 2009, at 6:05 p.m. in the Council Chamber for the purpose of conducting a public hearing on the Levy and 2010 Budget, as previously noted, and to conduct any other business deemed necessary at that time, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of November 13, 2009. Seconded.

Adopted upon a voice vote.

Absent - Remington, Benson, Goodman.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Steven J. Ristuben, City Clerk.

Unofficial Posting: 11/18/2009 Official Posting: 11/20/2009